

against Senate bill No. 9, relating to itinerant venders of medicines.

Protest against bill excluding graduates of medical college at Galveston from operation of medical practice act.

To the Honorable Members of the Legislature of the State of Texas:

There is now before your body a board of health bill which discriminates against the minor schools of medicine, which is unjust, as they and their patrons are large taxpayers. We ask you to support amendments giving us representation on this board.

Numerously signed.

Denison, Texas, February 5, 1909.
Hon. Robt. E. Cofer, Austin, Texas.

Dear Sir: By action of the Brotherhood of Railway Carmen at this place at its last regular meeting, I was directed to ask our Senators and Representatives to use their influence in favor of House bill No. 127, requiring railway companies to maintain sheds over their repair tracks to provide shelter for their employes engaged there. Thanks for your interest in Hon. Roger Byrnes' measure.

Yours very respectfully,

Signed—M. P. Woods, 1002 W. Oming.
Denison, Texas, Recording Secretary
Brotherhood Railway Carmen, Lodge
No. 89.

We, the undersigned citizens of Denison, Texas, believing a State training school for children to be a necessity for reclaiming incorrigibles, endorse the bill providing for such an institution, as prepared by joint committees from the County Judges and Commissioners' Association of Texas and the Texas Federation of Women's Clubs, and hereby request our legislators to give the bill their immediate support.

Numerously signed.

By Senator Terrell of McLennan:

A petition signed by W. B. Andrews and 106 other citizens of Waco, McLennan county, Texas, in favor of the passage of the Mayfield-Meachum bill, prohibiting pool selling, book making and wagering on horse races.

TWENTY-SECOND DAY.

Senate Chamber,

Austin, Texas,

Wednesday, February 10, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Havter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Paulus.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 10, 1909.

Hon. A. B. Davidson, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 221, A bill to be entitled "An Act to promote the safety of travelers and employes by compelling common carriers engaged in commerce by railroads within the State of Texas to equip their locomotives, tenders, cars and similar vehicles used in moving intrastate traffic within said State with certain safety devices and appliances, and providing penalties for violations of this act, and providing further that employes of such carriers continue in the service with notice or knowledge of such violations shall not be held to have assumed the risk of injuries resulting from the same, and declaring an emergency."

House bill No. 246, A bill to be entitled "An Act making appropriations for the deficiencies in the appropriations heretofore made for the support of the State government for the fiscal year ending August 31, 1906; August 31, 1907; August 31, 1908; August 31, 1909, being for claims registered in the Comptroller's office in accordance with law, and for outstanding claims not regis-

tered, and to make additional appropriations for the support of the State government for the years ending August 31, 1906; August 31, 1907; August 31, 1908; August 31, 1909, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

PERSONAL PRIVILEGE MATTERS.

Under the head of petitions and memorials, Senator Thomas offered the following petition, with the request that it be read and published in full in the Journal:

Farmersville, Texas, Feb. 9, 1909.

To the Hon. H. Bascom Thomas, State Senator, District No. 2, Austin, Texas.

Dear Sir: We most heartily endorse your manly courage, patriotic and timely fight for the fair and impartial representation of the people, untrammelled by lobbyist of special interests, both private and public. We believe a certain class of representatives can be influenced by lobbyists of nefarious corporations without necessarily being "intimidated, embarrassed or molested," even though they do the bidding of such lobbyists against the spirit and letter of the anti-lobby law of our State. The refusal of the Senate to accept, as a substitute to Senator Meachum's resolution, Section 2 of the anti-lobby law, which you offered, was a self-indictment before the people of our great State. We believe it nothing less than fair and just that you should have been placed on the committee which was appointed by the Chair to investigate the charge you made. If there is treason in the Senate it is due the public of our State to know who are the traitors. We don't believe a Senator occupying the exalted position that you occupy, holding a commission from the constituency that you represent, would make the charge that you have made before the Senate without reasonable grounds for so doing. And believing that you have been actuated from a high sense of honor and for the inalienable rights of the people and the demands of your exalted position of trust, we are with you in this fight for the integrity of our State and the welfare of our posterity.

"Lay on, Macduff, and damned be he who first cries 'Hold, enough!'"

J. T. Lacy, T. C. Rowland, R. S. Rike, J. J. Whitley, R. I. Lathrop, G. W. Rike, L. A. Howard, E. W. Stanfer,

I. F. Rike, Ed Groves, A. H. Farris, J. E. Miller, Frank Johnson, W. P. Bumpass, Jr., H. H. Howard, P. C. Williams, M. D. McCraw, J. A. Hamilton, J. G. Forester, J. O. Cullom, A. E. McBrayn, J. E. Cline, H. U. Keller, L. L. Miller, T. F. Wilson, E. C. Morton, P. L. Minn, C. W. Neathery, W. S. Aston, M. H. Lakey, Rodney Neathery, H. S. Jackson, J. F. Lovell, Tansy Stanford, J. A. Spaugh, R. L. Alexander, J. T. Cummings, R. E. Gray, E. E. Carpenter, J. D. Ball, C. C. Williams, W. F. Hardin, E. W. Carmack, D. E. Neathery, O. F. Yeager, M. W. Stewart, Richard Hudson, R. W. Hudson, F. W. Alland, T. S. Letson, W. P. Bickley, Joe Carver, J. W. Dodderer, J. H. Roberts, I. M. Hale, W. E. Bunkley, Jas. Williams, J. Cohen, J. L. Purvin, E. E. Williams, W. A. Honaker, S. Neathery, M. T. Hardin, J. O. McBride, S. H. Shipman, O. G. Spurill, J. R. Naylor, A. H. Neathery, W. B. Honaker, R. W. Rike, J. B. Wells, Janus Church, John Murichon, Geo. Hardin, J. A. Womble, J. R. Holloway, G. W. McBrayer, O. H. Howard, O. S. Hines, J. S. Hendre, J. O. McMinn, W. S. Betty, J. L. Norman, H. P. Eastman, W. H. McCally, A. L. Carpenter, C. T. Click, R. McMakin, W. L. Ramsey, W. L. McBrayer.

Senator Thomas requested that the petition be returned to him when used.

Pending discussion on the matter, Senator Murray objected, and Senator Thomas withdrew the request to have the petition returned to him.

Pending further transaction of the business of the morning call, Senator Meachum arose to a question of personal privilege as to certain press reports of matters containing certain charges with reference to the anti-lobby statute.

Pending further consideration on the matter, pro and con,

Senator Brachfield offered the following resolution:

Whereas, The Senator from Hopkins county, in a speech upon the floor of the Senate, made charges reflecting on the Senators of Texas; and,

Whereas, The said Senator gave out the following statement to the press of this State in which he reiterated said charges and made additional ones, to wit:

"Austin, February 8 (Special).—Senator H. Bascom Thomas today gave out the following statement in reference to the spectacular episode which he precipitated in the Senate Chamber this

morning relative to the violation of the anti-lobby law:

"I was warned several days since that I would be shot full of holes if I called attention to the violation of the anti-lobby law. I charged that there had been 1000 specific violations of this law since the Legislature convened, and not one man in the Senate denied the charge. The motion made to the effect that all Senators answer to the roll call as to whether or not they had been intimidated by lobbyists was a mere subterfuge. This reminds me of a criminal on the witness stand refusing to testify to any thing that incriminates himself. I appealed to the gentleman who made the motion to use the language of the statute against lobbying, to the effect that all answer the roll call 'as to whether or not their vote had been solicited,' or 'whether privately any one had endeavored to exercise any influence on his action concerning any measure, etc.' And yet, the Senator refused to let that motion be voted on for fear many would answer in the affirmative. The whole proceeding today in the Senate is practically an admission of the truth of my charges, and I only wish that the whole people of Texas could have witnessed and heard all that transpired. It is a sad day in our history when a State Senator can not call attention to violation of the anti-lobby law without being intimidated and almost insulted by those who should be patriotic enough to co-operate with him in enforcing the law which is to rectify or prohibit the most deplorable evil that confronts the people of this State.

"I predict here and now that unless the lobby is driven out of this Capitol almost all wholesome, remedial and reform legislation will be defeated. The paid attorneys, agents and representatives of the public service corporations and special interests in this State, in other words, the professional lobbyist who is working for the money that is in it, has more influence in shaping legislation than our Governor and four-fifths of the taxpayers of this State. I predict that three-fourths of the reforms recommended to the Legislature by our Governor in his message, many of them platform demands, will be defeated before the Thirty-first Legislature, because of the influence of the lobby.

"A few days ago a distinguished citizen from Beaumont made a statement before one of the committees while passing on the anti-race or gambling bill,

that over \$4000 had been raised by the pool rooms of this town alone for the express purpose of bribing the Texas State Senators and thereby defeating a bill which affected the interests of the pool rooms of this State. Yet not one of the Senators present asked that the charges be proven or even investigated, but if I raise my voice to protect this Legislature from such outside corporate influence, I am looked upon as an arch enemy of the people as it embodies all of the total depravity of the human soul. I was told a few days since that a member of the Thirtieth Legislature borrowed money with which to come to Austin, and when he returned home he placed \$8000 to his credit in the bank. In view of such charges, must I be censured for my efforts to protect the people of this State from such disgrace and outrage?

"I only wish that the immortal Hogg was alive and could witness the deplorable spectacle which has been seen here.

"If I am expelled from the Senate for what I have done I will go out of the door with a smile on my face and my head erect, the proudest moment of my life, and at the end of forty-eight hours I will return and stand at my desk and repeat the charges I made today on this damnable outrage, and I will keep repeating the charges until this outrage is forever stopped. I expect yet to see the day when every scoundrel who tries to influence legislation will be put in the State penitentiary, and the time is not far distant when any man who excuses him and protects him will forever be retired to private life. The former is no more an enemy to the State than the latter."

Therefore be it resolved, That the Senate go into a Committee of the Whole to investigate said charges, and for the further purpose of deciding whether or not there is a Senator of this State who has forfeited his right to membership in this body. And be it further

Resolved, That the committee appointed by the Chair on a former day of this session be empowered to conduct said examination.

Before putting the question as to the resolution,

The Chair announced that in view of the fact that Senator Thomas' objection to Senator Meachum serving on the committee, formerly appointed, had been called to his attention, he desired to

call the attention of Senator Thomas to the fact that he, the Chair, at the time of the appointment of the committee had asked that Senator Thomas reveal the name of the Senator that had made certain statements.

Senator Thomas exonerated the Chair of any blame whatever, stating that he had changed his mind as to the matter.

Pending further discussion, Senator Meachum asked to be permitted to withdraw from the committee, and

Pending further discussion, Senator Peeler moved that Senator Meachum be permitted to withdraw from the committee, and that the Chair appoint another to take the place of said committeeman.

The motion prevailed, and

The Chair requested Senator Thomas to designate a Senator who would be acceptable.

Senator Thomas suggested Senator Greer as an acceptable one, and he was so appointed.

The resolution of Senator Brachfield, providing for the Senate to go into a Committee of the Whole Senate, was then adopted by the following vote:

Yeas—30.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Paulus.

Senator Perkins then offered the following simple resolution:

Resolved, That the report of the proceedings arising upon the question of personal privilege raised by Senator Thomas of Hopkins, as published in the Dallas-Galveston News on Tuesday, February 9, 1909, be incorporated and published in the Journal of the Senate, and the proceedings of today's session be taken down by stenographers appointed by the President of the Senate and published in the Journal of the Senate.

PERKINS,
HUME.

The resolution was read and adopted. (Note.—Following are the proceedings in question, as published in the Dallas News of February 9, and the proceedings of today's session follows immediately thereafter.)

Senator Thomas, in addressing the Senate, said:

"Before we adjourn, I wish to say a few words on a point of personal privilege and in a sense seeking information.

"I hold in my hand an act of the Thirtieth Legislature. Evidently it was presumed in the enactment of that law to prohibit an evil that hitherto had confronted the people of this State. I refer to the anti-lobby law. Mr. President, I hereby pronounce that law and the way it has been enforced since this Legislature has convened an empty sham and a howling mockery. I do not believe, Mr. President, that there has ever been a time in the history of our State when such a lobby has assembled in Austin as that which has thronged this Capitol, in our committee rooms, since the convening of our Legislature, and I appeal to the President of this Senate—"

Senator Brachfield—As I understand it, to speak upon a question of personal privilege, it has to be a matter that affects him personally, and not a general law on the statute books.

The Chair—As the Senator makes the point of order, it must apply individually, but in what way it applies to the Senator from Hopkins the Chair has no knowledge.

Senator Thomas—Mr. President, I say that I am speaking to the point of order. Now, Mr. President and gentlemen of the Senate, I say the cause of the remarks which I am now making are grounded upon the fact that I have been embarrassed, intimidated and in a sense molested by outside influences.

The Chair—Point of order overruled.

Senator Meachum—I understand the Senator to say that he had been embarrassed and intimidated by the lobby and molested. Is that the statement of the Senator?

Senator Thomas—Yes, sir.

Senator Meachum—Then I would ask, Mr. President, that as this is a serious charge that the Senator would kindly state to the Senate in what way he has been intimidated and molested and if he has been improperly intimidated or approached during his services here, by any lobby or any one else.

"Mr. President," Senator Thomas re-

sumed, "replying to the interruption by the Senator from Grimes, I will say that in one respect I have not been duly intimidated or molested, but I have been considerably embarrassed and in a sense intimidated at some things which I have observed and witnessed on the floor of this Senate and in committee rooms I want to say that I am deeply interested in every bill that is introduced in this Senate that is calculated to promote the interest and happiness of the people of this State, and, Mr. President, I will go further and say that I have seen the brazen effrontery of the lobbyists which have appeared before some of our committees carried to that extent where suggestions would be made to members of the committee as to how they should vote upon questions that were under consideration at the time in the committee rooms, and, Mr. President, I wish to call the Senate's attention to one provision of our anti-lobby law, and I suppose and presume that I will have a right to do that. I want to call the attention of the Senate and the President to Section 3 of our anti-lobby law, which reads as follows:

"The provisions of this act shall not be held to apply to the Governor or a member of the Legislature of this State, nor to prohibit any person, either in person or by his agent or attorney, or any corporation by representatives, agents or attorneys from exercising the right of petition to the Legislature, or from collecting facts, preparing petitions, procuring evidence and submitting the same, together with arguments, to either branch of the Legislature, when in session, or to any committee thereof, in the interest of any measure in which he or it may be interested; but in such case the agency and the interest in the measure of the person so appearing shall be fully disclosed."

"Now, Mr. President, I call the attention of the President and of the Senate to the fact that our committee rooms heretofore have been thrown wide open to everybody that desired to appear before those committees, whether or not they were interested in any bill or question that was being considered at the time before those committees, and I want to now appeal to the President and the Senate for a rigid enforcement of that provision of our anti-lobby law."

Senator Mayfield—Senator, you have just read Section 3 of the lobby law. I want to read Section 2:

"Sec. 2. That if any paid or employed agent, representative or attorney of any

person, association or corporation shall at any place in this State, after the election and during the term of office of any member of the Legislature of this State, privately solicit the vote, or privately endeavor to exercise any influence, or offer anything of value or any other inducements whatever to any such member of the Legislature to influence his action concerning any measure then pending or thereafter to be introduced in either branch of the Legislature of this State, he shall be deemed guilty of lobbying."

Now, Senator, has any employe, representative or agent of any person, firm or corporation approached you with reference to any measures or bills pending or to be introduced into this body?

Senator Thomas—Mr. President, I think that I can answer that question in the affirmative, and further, Mr. President, I think other Senators have been approached and their votes solicited by outside influences who were interested in legislation or bills pending before this Legislature, and I am glad that the Senator called my attention to that section of the anti-lobby law. I believe, Mr. President, as firmly as I believe there is a God in heaven, that that section of the anti-lobby law has been specifically violated a thousand times in this Capitol during the last three weeks. I have witnessed on this floor men who hold public offices in this State, without mentioning any names, and will refer to the fact that on several occasions I have witnessed a certain State officer, who should have been discharging the duties intrusted to him with his office, here in this Senate and in committee rooms using his influence to defeat a certain bill that was pending before the Legislature. Now, Mr. President, I was told a few days ago that whenever I called the attention of the Senate to this iniquitous outrage and evil, I would be shot full of holes by the members of this Senate. I want to say now, Mr. President, that I do not want to say anything and will not say anything to impugn the honesty or question the purpose of the members of this Senate, but I believe that certain bills which have been introduced here have particularly been defeated on account of the outside influences which have been brought to bear upon the members of our Legislature.

Mr. President, when a man is selected to serve upon a jury, and is passing upon the rights and liberties of his fellow man, no one is permitted to even speak to or to communicate with him,

and yet, when the members of this Legislature sit here and pass upon questions that affect the rights and liberties of the people of this State, everybody representing all kinds of special interests of this State have access to the members. Now, I want to say that I have the statement from those who have been attending sessions of the Legislature here for many years to the effect that there has never been a time in the history of our State when the lobby was so conspicuous and so many rights and liberties and privileges were extended to them as has been extended to the lobby here since the convening of this Legislature. I believe, Mr. President, that this Senate is able to pass upon all questions and to consider the merits and demerits of the questions brought before it, without outside influences, and if we are not, we ought to resign our offices and let the people of our districts send a postal card down here in our places.

The Chair—Does the Senator from Hopkins mean that such privileges have been extended by the Chair when he says that these privileges have been extended to the lobbyists such as never have been extended before?

Senator Thomas—No, sir.

The Chair—Does the Senator refer to the Chair when he referred to certain State officers?

Senator Thomas—No, sir.

Senator Meachum—I am surprised at the startling disclosures made by the Senator from Hopkins in the suggestion that he has been improperly intimidated and molested. In order, Mr. President, that every member of this Senate might have the privilege of going upon record before the people of this State—because when one member of this body says that he has been improperly intimidated, by inference, all the people of Texas might conclude that their Senator or Representatives here are being improperly intimidated and molested in the consideration of legislation—to clear, Mr. President, the Senators on this floor before the people of Texas and their constituency, I move you, sir, that the roll of the Senate now be called, and that every Senator here be requested to answer to the question whether or not he has been improperly approached or intimidated here. If he has, let us go down to the meat of this serious charge, for never before in the history of this illustrious body has a member arisen upon this floor and said that he had been improperly intimidated and approached.

Mr. President, in the consideration of

the welfare of the people of this State, those of us who compose the individual members of this body can be but considered as a unit. Any suggestion which comes here upon the part of one Senator must necessarily, in part at least, involve us all. Therefore, Mr. President, it seems to me, in all justice to this question, that he who stands before this State as the peer of any one should have the privilege of letting the people of Texas know if anybody has been intimidated here. Mr. President, "Who steals my purse steals trash; 'tis something, nothing; 'twas mine, 'tis his, and has been slave to thousands; but he who filches from me my good name robs me of that which enriches him not, but makes me poor, indeed."

(He added that he made his motion in order that the constituency of every Senator might know if there is any improper intimidating going on here and who it is that is being intimidated.)

Senator Thomas—I call the attention of the Senate to the fact that it is not necessary under the provisions of the anti-lobby law for any Senator to be intimidated in order for that law to be violated. Section 2 refers to the fact that if his vote has been privately solicited or if any influence has been exercised over him or any endeavor in that direction has been made.

Senator Meachum—I accept the English language in the usual manner and as spoken by the Senator from Hopkins. The Senator said out of his own mouth that he had been improperly intimidated. I only ask now that all the balance of us Senators be permitted to go on record before our constituency as to whether or not we have been improperly intimidated.

Senator Murray—Did not the Senator also say that he knew of other Senators upon the floor of this house that had been improperly approached and intimidated?

Senator Meachum—I will state to the Senator from Wilson and Mr. President, that the Senate of Texas can not stand under that charge. Let us have it out now, here, this moment, once and forever, and let a roll be called and let every member repudiate the charges made here which reflect upon this honorable body.

Senator Thomas—Would you object to an amendment so as to include the words of the statute here? Let the roll be called and let every Senator answer specifically as to whether or not he has been privately solicited to vote for or

against certain bills before this Legislature, or any request of any kind whatsoever has been made at his hands.

Senator Meachum—No, sir; because that is not the charge that the Senator made. I took the words from your mouth, Senator, in all kindness when you said that you had been improperly intimidated and molested, and if you still desire a roll call upon the general statute, although it is the duty of the grand jury to indict and have prosecuted, if it has been violated, it is as well the duty of the Senator from Hopkins to go before that grand jury to raise his hand to heaven and not cast here a reflection upon this honorable body. I am done, Mr. President—that is my motion.

Senator Hume (in part)—If it be that any man upon this floor has been improperly approached, it needs no lobby law for him to protect himself, and I, for one, for myself, am able to do that. There may be others who can not. It matters not what the lobby law says—if one single member of this body has been improperly intimidated, that is enough for us to seek redress. Let there be written over that door, if this accusation be just, the words of Dante, "All hope abandon ye who enter here." It is not that I care individually, but I believe that, as a member of this body, it is my duty to keep my own record clean, and thereby justify the records of every member of this house. If he has been, the Senator from Hopkins, unjustly treated, as he says, then let us know who the men are.

Senator Thomas offered a substitute for the motion providing for a roll call upon the proposition as to whether any of the Senators had been approached contrary to the provisions of the anti-lobby law.

This substitute was rejected by viva voce vote, and the original motion by Senator Meachum was adopted.

When the roll was called upon Senator Meachum's proposition to ask each Senator whether or not he had been molested, embarrassed or intimidated by lobbyists only Senator Thomas answered in the affirmative, the vote being 1 yea, 24 nays, 6 absent.

Senator voting "yea" — Senator Thomas.

Senators voting "nay" — Senators Adams, Alexander, Brachfield, Bryan, Cofer, Greer, Hayter, Holsey, Hudspeth, Hume, Masterson, Mayfield, Meachum, Murray, Peeler, Perkins, Senter, Stokes, Sturgeon, Terrell of McLennan, Veale, Ward, Watson, Willacy.

Absent — Senators Harper, Kellie; Paulus, Real, Terrell of Bowie, Weinert.

Senator Thomas again took the floor. He asked as a matter of kindness that the Senators vote for the resolution and amendment. He declared that he had nothing to retract with reference to what he had said—that there had been specific violations of the anti-lobby law. He believed, however, that some member of the Senate had misconstrued some words he used. The only thought he had intended to convey was that there had been specific violations of the anti-lobby law, and upon that proposition he would stand. Of course, he could not say that members of the Senate had been intimidated.

"I believe that some are not like myself," he continued; "hardly as timid as I am, and I assume it would require more to intimidate them than myself. I did not intend to say anything that might be construed as a reflection upon any member of this Senate.

"I was told the other day by a distinguished Senator on the other side of the house, that whenever I called attention to the fact that this anti-lobby law was violated I would be shot full of arrows from every direction, and I believe he spoke the truth."

The resolution was adopted.

Thereupon Lieutenant Governor Davidson said:

"The Chair does not intend to put upon this committee the Senator who told the Senator from Hopkins that he would be shot full of holes. The Chair will, therefore, have to ask the Senator from Hopkins the name of the gentleman."

Senator from Hopkins—I don't care to give the name of the gentleman, and I do not object to his being appointed as a member of the committee and made chairman of it.

Thereupon the Chair announced Senators Sturgeon, Veale and Meachum as the committee.

Following is the proceedings in full of today's session, as furnished by the stenographer appointed to take same:

Mr. President and Gentlemen of the Senate:

In view of the statement in the press made by Senator Thomas, I desire to say that nothing I have ever said to Senator Thomas could have been correctly construed by any one as in the slightest degree meaning that Senator Thomas was in any way in danger of personal violence in the event he arose

to a question of personal privilege for the purposes stated by him. On the contrary, I will state that while I have not known Senator Thomas longer than since the beginning of this session, yet during that time my relations with him have been pleasant.

In view of this fact and the further fact that he was comparatively a new member of the Senate, this being his first term, and I was an older member of the Senate, having already served heretofore two sessions in the Senate, and one in the House, when I was told by several Senators that he intended making statements of the nature contemplated and which might cause a breach between him and the other Senators, as a matter of kindness to him, just as other Senators here who were friendly to him and tried to prevent him from thus injuring himself, I suggested to him that if he did make any statements such as had been rumored he intended to make, that the Senators would not stand for it, and that they would at once begin to fire questions into him from different parts of the Senate and would thereby "shoot him full of holes," or arrows, or something to that effect. This language, of course, being but figurative language stated in a pleasant and agreeable manner to the Senator in a friendly way and evidently by him so understood and not resented by him at the time and we parted company in a perfectly friendly attitude; furthermore, after the statement of Senator Thomas on the floor of the Senate concerning the language used by me to him, and after my reply to his remarks of personal privilege, I met him in the Senate Chamber and he was in an entirely friendly frame of mind and shook hands with me and smilingly said: "Meachum, don't be too hard on me." And when on day before yesterday the Lieutenant Governor asked him what Senator had made the statement that he would be shot full of holes, as he, the Chair, would not appoint that Senator upon the investigating committee, Mr. Thomas replied that he not only had no objection to that Senator going upon the committee, but was willing for him to be chairman of it. No fact or circumstance whatever has transpired since that time that would give him occasion to urge any objections to me now which he did not at that time have before him, and if he had not made the statement that he was not only willing for me to go upon the committee, but

act as chairman, I would have at once arisen and explained the terms of the friendly conversation which had occurred between us.

The suggestion by Senator Thomas that I am opposed to the enforcement of the anti-lobby law is incorrect and untrue, since I am not only in favor of the enforcement of the anti-lobby law but voted for its passage through the Senate two years ago, and am in favor of the enforcement of not only this law, but, as a law-abiding citizen, of every other law upon the statute, and I am utterly at a loss to understand how anything I said to the Senator could have been construed by him that I was opposed to the enforcement of any law.

Senator Thomas—Did I state to you at any time that I intended or contemplated saying anything that would be a reflection upon the honesty or integrity of any member of this Senate; did I ever tell you any such thing as this?

Senator Meachum—I did not say that you told me that, but I did say that the rumor had prevailed here that the remarks you would make would have that effect, and I did say that after you had made your remarks, that however you may have intended them, the English language can only be accepted and taken in the usual manner in which it is spoken and accepted by the English speaking people, and your statement in reply to a question asked you here—I forget the Senator that asked you, but I believe it was the Senator from Wilson who suggested that while you were speaking that you had said that other Senators had been improperly approached and intimidated. That did not occur during our agreeable and pleasant conversation, that did not occur in the conversation between you and me, that was a statement which you made in your remarks on the floor of the Senate.

Senator Thomas—Is it not a fact that I stated here upon the floor, and that statement has been in circulation all over the State, that I intended no reflection upon the integrity of any member of this Senate? And I furthermore said that I would withdraw any remark that was so construed.

Senator Meachum—I understand, Senator, that you made a statement to that effect upon this floor, but I further understand, while explaining your intention, that the language you used before the people of Texas can not be accepted in any other manner than in

which the English language is usually accepted. I state further, Senator, that you have given out since that time an interview, and however you may have intended, the people of Texas can only accept it as a reflection upon these Senators.

Senator Thomas—May I ask you a question?

Senator Meachum—Let me get through. I state further, Senator, that however you may have intended, the petition you sent up this morning can only be accepted by the people of Texas as a reflection upon this honorable body, and therefore it becomes the imperative duty of every honest member of this Senate to defend himself, the Chair and the Senate against these suggestions which you made.

Senator Thomas—Do you know of an instance in the history of this State when a petition has been sent to a member of the Legislature that it was not presented here and read?

Senator Meachum—I will state, Mr. President, to the Senator, that as this is his first experience in the Senate, he may not know of petitions having been sent here that were not read and sent up to the Chair and the Journal, but I will state to the Senator, as one who has served one session in the lower house and already two sessions in the upper house—and this is my third session—that many petitions have been sent to members which were not printed in the Journal nor sent before this body; and I believe, Senator, that I can not only speak for myself, but I will say that I believe—yes, I know—that if any other Senator here had received the petition which you received this morning, he would not have sent it to the Chair, to the Journal and to the Senate, or to the people of Texas. Will you please state the origin of that petition?

Senator Thomas—No, sir; I can not. I received it this morning in the mail from Farmersville, and I know a great many of those who signed the petition, and I know them to stand among the best and highest and most honest people of Collin county. I want to say, Mr. President, to this Senate that the petition was not presented with the intention of reflecting upon the honesty of this Senate, but was presented merely because I wanted to show that the people of Farmersville endorsed the stand I took in this Senate the day before yesterday.

The Chair—The Senator from Hopkins says the petition was not sent up with the intention of in any way reflecting upon any member of this Senate, was it sent up with the intention to reflect upon this Chair?

Senator Thomas—No, sir; no such thought was in my mind.

The Chair—You better take some thought before you send them up, so far as it applies to the Chair.

Senator Meachum—Mr. President, I desire further to say that the only conversation I ever had with Senator Thomas upon this question was prompted by a friendly desire to prevent him from making any suggestions which might reflect upon his brother Senators, and thereby render them unfriendly to him. While, although the Senator stated that he was willing for me not only to go upon the committee, but to be its chairman, with these full facts before him, he now says he has changed his mind and does not wish to appear before the committee because I am a member. I, therefore, suggest, Mr. President, that in view of this objection to me, and in order that he may have what he considers a full, fair, impartial and complete opportunity to substantiate the charges he has made before the people of this State, I am perfectly willing, and would suggest that the Senate should go into a Committee of the Whole to have a full, fair, impartial and complete hearing before the people of this State upon the charges which have been preferred.

Senator Perkins—In order to keep the record straight, Mr. President, I move that the stenographic report, relative to this matter, as published in the Galveston News, be incorporated in the Journal.

Senator Thomas—May I amend the motion so as to embrace not only the full stenographic report of what transpired in the Senate the day before yesterday, but also all that has been said in our proceedings this morning in this Chamber touching upon this question? I understand, Mr. President, there are several stenographers taking down the proceedings here.

After some discussion, Senator Perkins stated that he would withdraw his motion for the present with the understanding that he could present it in writing later.

The Chair—I understand the Senator from Hopkins objects to the Senator from Grimes being on the committee appointed to investigate this matter. I

hope the Senator from Hopkins will at least give the Chair credit of being fair in this matter. The Chair asked the Senator from Hopkins the other day to disclose the name of the Senator who had told him he would be shot full of holes so that he would not make the mistake and put him on the committee, but the Senator from Hopkins declined to disclose the name of the Senator, and stated to the Chair that he did not object to the Senator going on the committee, or even being made chairman of that committee.

Senator Brachfield here introduced a resolution providing for an investigation. (See former proceedings for resolution in full.) The resolution was adopted.

Senator Thomas—Do I understand that the adoption of this resolution practically does away with the committee that was appointed the day before yesterday?

The Chair—The Chair will have the resolution read again so that the Senator from Hopkins can understand it, and the Chair hopes that the Senator from Hopkins will notify the gentleman that sent him the petition that the Chair is not unfair to him and wants to give this matter a fair investigation.

Senator Thomas—I want to say now that I stand ready to uphold all that was done with reference to the appointment of the committee the day before yesterday by the President of the Senate, and I want it distinctly understood that I do not consider the President of the Senate has been guilty of any breach of impropriety; and while at that time I did say and feel that I would not object to a certain Senator being appointed on that committee, I am inclined at this time to think that it would be an injustice to me to put that Senator on that committee. I will state to the Senator from Grimes that he is mistaken when he says that he did not tell me that he was opposed to the enforcement of the anti-lobby law.

Senator Meachum—I now desire to insist, Senator, that nothing I could have said, or did say to you, could have been construed that I was opposed to the enforcement of the anti-lobby law, and I now tell you that I am not only not opposed to its enforcement, but that I voted for it upon its passage, and in view of this explanation, do I understand that the Senator still objects to my going on that committee?

Senator Thomas—What was the question, Senator?

Senator Meachum—I stated to the

Senator that I am at a loss to understand how he could have construed anything I said to indicate any opposition on my part to the enforcement of the anti-lobby law, and I stated to the Senator further that I am not only not opposed to the enforcement of the anti-lobby law, but that I voted for it upon its passage through the Senate two years ago. With that explanation, I desire to ask the Senator if he is opposed to my being on the committee.

Senator Thomas—Mr. President, if the Senator from Grimes will disclaim holding any ill-feeling toward me in this matter for what I have hitherto said and done, I will withdraw my objection to his serving on that committee, but I have been led to believe that in the last forty-eight hours he has not entertained the kindest feelings for me.

Senator Meachum—Mr. President, in reply to that I desire to state to the Senator from Hopkins that I have had no feeling whatsoever against him, save and except that feeling which I in common with the other members of this Senate have against him who made these charges, whether intended to reflect upon this Senate or not. That is my position. I know of nothing that has transpired between the Senator from Hopkins and me, since the conversation he had with me, which was a friendly one, except the interview which he had published and gave out to the press, which I consider, whether intended so or not, to be a reflection upon all the Senators. Mr. President, I will state to the Senator from Hopkins that this is the only disclaimer I have to make or expect to make, and I think I have explained this matter sufficiently to embrace not only myself, but every other member of the Senate. I desire to ask the Senator from Hopkins if he believes that I have such feelings against him that would prejudice me against him in this investigation. If he does, I do not desire to be on this committee, as I desire that he shall have what even he considers a fair and impartial hearing.

Senator Thomas—Will the Senator from Grimes be so kind as to read any statement from the recent interview published in the newspapers that is a reflection upon the honesty of any member of this Senate?

Senator Meachum—I will refer you, Senator, to the interview given out by you, and also to the answer made you by the President of the Senate a few moments ago with respect to that petition. I understand that the Senator

from Hopkins does not express a willingness under that explanation for me to go on the committee. I will, therefore, request the Chair, in order that even he may have what he considers an unbiased and impartial investigation, to permit me to withdraw from that committee, and in deference to the rest of my brother Senators, I do not want it to be said even by the Senator from Hopkins that any investigation they have made has not been absolutely fair and impartial, and, therefore, I will ask the Chair to permit me to withdraw from that committee under the suggestion which I have made in my plea of personal privilege, that the Senate go into a Committee of the Whole.

Senator Thomas—I want to ask you, Senator, if it is not a fact that you have recently been in consultation with your colleagues of the Senate, and if you have not reached a conclusion as to the guilt of myself in reference to certain charges which you contemplate preferring, and I want to ask you if you have done anything to ascertain whether the anti-lobby law has been violated?

Senator Meachum—I will answer, Mr. President, by saying that since the appointment of that committee on yesterday we have been busy in the Senate and in committee rooms, and I have not had time to give any attention to the matters called for in the resolution. I will say to the Senator from Hopkins that my decision as to what should be done in this matter will be based upon the result of the hearing to be had. I understand the Senator makes several charges. If those charges are correct and are well founded, then I think this Senate and the people of Texas ought to know it. If they are not well founded, then I think the Senate and the people of Texas are entitled to know it.

Senator Thomas—Does the Senator yield for a question?

Senator Meachum—No, Senator; let me get through. Then as to what will be done with the Senator from Hopkins in the event these charges are not substantiated remains for another question to be yet decided according to the evidence introduced here. This is my attitude, Senator.

Senator Thomas—I want to ask you, Senator, if it is not a fact that you have already committed yourself to the proposition that the Senator from Hopkins deserves some punishment at the hands of this Senate, notwithstanding

the fact that the charges brought by him might be true?

Senator Meachum—I have not, Senator. I have committed myself to this proposition. If the charges which you make, and as I construe it, reflect upon this Senate, are not well founded and were made by you without sufficient cause, then you have placed yourself in a position which deserves some nature of rebuke at the hands of the Senate. If the charges are well founded as you have made them, then a different rule would apply. I will state to the Senator from Hopkins that this is not a personal matter with me.

Senator Sturgeon—A point of order, Mr. President.

The Chair—State your point of order, Senator.

Senator Sturgeon—A resolution was introduced the other day and the question before the Senate is now whether or not the anti-lobby law has been violated and whether or not the Senator from Hopkins or any one has been unduly influenced, intimidated, improperly embarrassed and molested, and, therefore, I do not understand that the question now is as to what the Senator from Hopkins has done is the proper question before the Senate.

Senator Meachum—I am only trying to explain to the Senator from Hopkins the position I take.

Senator Peeler—If the Senator will yield long enough, Mr. President, I will move that we now accept the resignation of the distinguished Senator from Grimes on the committee appointed the day before yesterday, and that the Chair be authorized to appoint some one in his place.

The motion was adopted.

The Chair—I will ask the Senator from Hopkins who he wants on the committee in place of the Senator from Grimes.

Senator Thomas—I suggest that Senator Greer be put on the committee.

The Chair—The Chair will appoint the Senator from Van Zandt on the committee in place of the Senator from Grimes.

Senator Perkins here offered the following resolution, which was adopted: (See resolution in former proceedings of today.)

Senator Thomas—Certainly the Senator from Collin and every member of this Senate who wants to give me a square deal will not object to publishing the speeches of others made on the floor of this Senate today and the day before yesterday together with mine and

I will, therefore, ask that all the proceedings be printed in the Journal.

Senator Perkins—I will state to the Senator that that is the purpose of the resolution.

Senator Thomas—I understood the resolution referred to my speech alone.

Senator Perkins—It refers to all the proceedings.

Senator Thomas—I understood from the resolution that you only wanted my speech, and I want it to embrace everything that was said here on this floor by any member.

Senator Perkins—The proceedings were taken down in full, as I understand it, and the papers contain the entire proceedings. Do you object to that?

Senator Thomas—No, sir; I do not.

The Chair—Is the Senator from Hopkins ready for the adoption of the resolution, and has the Senator read the matters contained in the newspapers, and is he satisfied that it is correct?

Senator Thomas—I have read it, and I am satisfied.

Senator Perkins—I will state to the Senator from Hopkins that this is not a one-sided affair, and it is the purpose of this resolution to publish in the Journal all the proceedings as they were taken down by the stenographer.

Senator Thomas—I am very well satisfied with all that was said by me, and I would like to know whether Senators Hume and Murray and others who spoke are satisfied with the report of their speeches.

Senator Hume—To be perfectly candid with the Senate and with the Senator from Hopkins, I did not start to say that I am not satisfied with the report of my speech in the papers. It ought to have been given a full page. It was not, but the synopsis of what I said and the principle for which I stood is there in black and white, and is perfectly satisfactory to me. Of course, the eloquence and the oratory flow that accompanies great occasions of that sort is not properly exhibited to the people of this great State.

Senator Perkins—Was your picture in the papers, Senator?

Senator Hume—That was another misfortune.

Senator Murray—I made no speech on that occasion. I believe I asked one question, and I do not know whether that question is in it or not.

The resolution offered by the Senator from Collin was then adopted.

REGULAR ORDER OF BUSINESS.

The Chair then proceeded with the morning call, and called for bills and resolutions.

BILLS AND RESOLUTIONS.

By Senator Watson:

Senate bill No. 177, A bill to be entitled "An Act to carry into effect the amendments to the Constitution of the State of Texas, providing that aid may be granted to disabled and dependent Confederate soldiers, sailors and their wives, under certain conditions, and to make an appropriation therefor, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Kellie (by request):

Senate bill No. 178, A bill to be entitled "An Act to promote the safety of employees and travelers upon railroads in this State by limiting the hours of service of conductors, engineers, firemen and brakemen, by making it unlawful for any railroad company, or the receiver of any railroad company or any officer or agent of such railroad company or receiver to require or permit any conductor, engineer, fireman or brakeman, to be or remain on duty for a longer period than sixteen consecutive hours, by providing for the relief of any conductor, engineer, fireman or brakeman, after having been continuously on duty for sixteen hours, and preventing his being required or permitted again to go on duty until he has had at least ten consecutive hours off duty, and preventing his being required or permitted to continue or again go on duty without having at least eight consecutive hours off duty after he has been on duty sixteen hours in the aggregate in any twenty-four hours period, by imposing a penalty for each violation by any railroad company, or receiver of any railroad, or any of the officers or agents of such company, or receivers, for each and every violation of this act, and by prescribing the venue of suits to recover penalties for violations of this act, and the officers by whom their suits shall be brought, and declaring an emergency."

Read first time, and referred to Committee on Internal Improvements.

By Senator Masterson:

Senate bill No. 179. A bill to be entitled "An Act to create a special fund for the

erection, repair and equipment of buildings at the Medical Branch of the University of Texas, at Galveston, Texas, and declaring an emergency."

Read first time, and referred to Finance Committee.

By Senator Kellie:

Senate bill No. 180, A bill to be entitled "An Act to provide for the establishment and maintenance of an agricultural experimental station, to be located in the Fourteenth Senatorial District, composed of Jefferson, Liberty, Orange, Hardin, Tyler, Jasper, Newton, Sabine, San Augustine and Nacogdoches counties, and declaring an emergency."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Meachum:

Senate bill No. 181, A bill to be entitled "An Act to amend Section 1 of an act entitled 'An Act to amend an act to prescribe the time within which statements of facts, bills of exceptions may be filed in causes tried in the district and county courts of Texas, and to authorize judges whose term of office has expired to approve the same, being Chapter 25 of the Acts of 1903, approved February 28, 1903, amending so that judges also have ten days after adjournment of the term of court at which said cause may be tried to file findings of facts and conclusions of law,' of the First Called Session of the Thirtieth Legislature, being Chapter 7, approved May 14, A. D. 1907, relating to filing bills of exceptions and findings of fact and conclusions of law, and declaring an emergency and repeal of all laws in conflict with this act."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Meachum:

Senate bill No. 182, A bill to be entitled "An Act to amend Section 14 of an act entitled 'An Act providing for the appointment of official stenographers for district courts by the judges thereof to report cases, and providing for the method of making up and filing the statements of facts of all evidence introduced in the trial of causes, providing for the time within which such statement of facts must be filed, and providing for the compensation of such stenographers; providing for the appointment of special stenographers in county courts, for their compensation, and for making and filing of

statements of facts in civil causes tried in the county courts, repealing Chapter 60, page 84, Acts of the Twenty-eighth Regular Session of the Legislature; also Chapter 112, page 219, Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas, and all other laws or parts of laws in conflict with this act, and declaring an emergency,' passed by the First Called Session of the Thirtieth Legislature, and approved May 25, 1907, relating to the making up, approval and filing of statements of facts, and declaring an emergency, and repealing all laws in conflict with this act."

Read first time, and referred to Judiciary Committee No. 1.

Morning call concluded.

BILLS SIGNED.

The Chair, Lieutenant Governor Davidson, signed, in the presence of the Senate, after its caption had been read, the following bill:

House bill No. 263, "An Act to reorganize the Forty-seventh Judicial District and to create the Sixty-ninth Judicial District, to fix the time for holding the terms of the district courts in said districts, and to provide for the appointment of a district judge and a district attorney for the said Sixty-ninth Judicial District."

COMMITTEE OF THE WHOLE SENATE.

At the conclusion of the morning call, Senator Terrell of Bowie moved that the Senate resolve itself into a Committee of the Whole Senate, as provided for by the resolution before adopted. The motion prevailed, and the Senate accordingly resolved itself into said Committee of the Whole Senate.

IN THE SENATE.

On completion of the business of the Committee of the Whole, the Senate resolved itself into a session of the Senate.

ADJOURNMENT.

On motion of Senator Alexander, the Senate, at 10:35 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

REPORT OF COMMITTEE OF THE WHOLE.

Following is the report of the Committee of the Whole Senate, Wednesday, February 10, relative to the investigation, printed in the Journal by order of the Senate, report being adopted in the Senate February 17:

The State of Texas,
County of Travis.

Senate Chamber, February 10, 1909.

Be it remembered, That after the Senate had resolved itself into a Committee of the Whole for the purpose of investigating the charges made by Senator H. Bascom Thomas, reflecting upon the honesty and integrity of the Senate, the committee composed of Senators Sturgeon, Veale and Greer, appointed under resolution to conduct said investigation, proceeded to investigate said charges, and the following proceedings were had, to wit:

(Terrell of Bowie presiding over Committee of the Whole.)

Senator H. Bascom Thomas was called as a witness, and, after having been duly sworn, testified as follows:

Senator Sturgeon—Senator, I wish you would read this resolution. (Hands witness Senator Brachfield's resolution.)

Senator Thomas—I presume that it is correct. I did not read quite all of it.

Senator Sturgeon—The paper that I have just handed you and you have just read, I will get you to state what that paper is—what it purports to be.

Answer—I understand that it contains in the main a statement which I gave out to the press day before yesterday.

Question—You mean an interview that you gave out to the press?

A.—Yes, sir.

Q.—I will get you to state if that paper which you have identified and read is a correct statement of the interview that you gave out?

A.—In the main, it is. I will state this—I believe that there is one sentence that was not taken down correctly.

Q.—I wish you would take that paper, Senator, if you can, and mark that sentence and state wherein it is incorrect—investigate it carefully, and if it is incorrect state wherein it is incorrect.

A.—This is the sentence—Do you want me to read it as it should be?

Q.—I want you to read the sentence that you say is not correct in there.

A. (witness reads from resolution)—“A few days ago a distinguished citizen from Beaumont made the statement before one of the committees that while passing on the anti-race or gambling bill that over \$4000 had been raised by the pool rooms of this town alone for the express purpose of bribing the Texas State Senators, and thereby defeating a bill which affected the interest of the pool rooms of this State.”

Q.—Now, Senator, I will get you to state what portion of that sentence is wrong, or is it all incorrect?

A.—That portion is wrong that omits the words, “that over \$4000 had been raised by the pool rooms of this town ‘a few years ago.’” It seems that those words were omitted from that sentence.

Q.—Do you mean to state to the committee that in the interview you gave out that you put the words “a few years ago” in it?

A.—Yes, sir; “or several years ago,” or words to that effect—

Q.—Now, I understand you to say—

A.—Of course, the verbiage here is not exactly as I used it. Where it refers to the anti-race or gambling bill the word “or” was misread. I used the sentence as the anti-race or gambling bill.

Q.—The paper you have examined and identified is the interview you gave out to the press?

A.—Yes, sir; in the main it is.

Q.—I will get you to state to the committee why you gave this interview out to the press?

A.—I gave out that interview on yesterday to show that heretofore lobbying had been practiced in this Capitol.

Q.—I notice you use this expression: “I was warned several days since that I would be shot full of holes if I called attention to the violation of the anti-lobby law.”

A.—That is correct.

Q.—I will get you to state, Senator, who said that, when it was said and under what circumstances was it said.

A.—Senator Meachum used those words, and the words were used in a conversation that we had near my desk the day before yesterday, or, perhaps, the day before.

Q.—Will you please state the conversation as nearly as you can?

A.—Well, we were discussing the matter and I notified Senator Meachum that I was going to call attention to the violation of the anti-lobby law, and in that connection he used those words that

whenever I did I would be shot full of holes.

Q.—Have you used the exact language that Senator Meachum used, or are you using them in substance?

A.—That is very nearly his exact language, as well as I can quote it.

Q.—State whether or not Senator—

A.—That is not all the language that he used there.

Q.—I asked you to state the conversation, and I now ask you again to state the conversation.

A.—Well, we were just talking a very few minutes, perhaps not longer than two minutes, and Senator Meachum not only used the statement that I would be shot full of holes if I called attention to the violations of the anti-lobby law, but expressed himself emphatically as being against the enforcement of the law.

Q.—Senator, I want you to state the exact language used by Senator Meachum in that conversation and not your conclusions; I want you to state the exact words used by him and by you; give us what was said.

A.—Well, I don't think I could quote the words that I used or those used by Senator Meachum, except in that comparison—it was a metaphorical comparison.

Q.—Senator, what did you understand from what was said that he meant, if you could gather from what was said just before and just after using this language—what did you understand that he meant?

A.—I understood that he meant that I would be attacked from different directions on the floor of the Senate.

Q.—I will ask you if you understood that Senator Meachum meant that you would be shot—physically shot with firearms?

A.—No, sir; I did not.

Q.—I see this in this statement: "I charge that there has been a thousand specific violations of this law since the Legislature convened, and not one man in the Senate denied the charge."

A.—That is correct.

Q.—Why did you use that language?

A.—I used that language because I believed it to be true.

Q.—State the facts upon which you based that belief?

A.—Well, of course, it was an estimate with me as to the number of violations of the law, and in a sense that statement was somewhat like Senator Meachum's—it was a comparison.

Q.—Do you mean, Senator, that you meant to draw a comparison when you made that charge?

A.—I meant to convey the idea that there had been many specific violations of the anti-lobby law since the Legislature convened here.

Q.—Why did you use this expression: "And not one man in the Senate denied the charge"?

A.—Because that was true, or at least I believed it to be true.

Q.—On what did you base that belief, Senator?

A.—Because, during that discussion, according to my best recollection, not one man in the Senate denied the truth of the statements made.

Q.—How could they deny it—what knowledge had they of the charge that you made—that there had been violations of the anti-lobby law—did you charge that the law had been violated with any certain Senators, or in the presence of any other Senators except with yourself?

A.—No, sir; but I did refer to the fact that the law has been violated upon the floor of this Senate and in committee rooms, and not one Senator took issue with me on that statement.

Q.—Senator, I see this expression: "The motion made to the effect that all Senators answer to the roll call as to whether or not they had been intimidated by lobbyists was a mere subterfuge." Why did you make that statement, and upon what ground did you base it?

A.—I made that statement because I believed that the gentlemen who made that motion did not want the members of this Senate to go on record as saying whether or not their votes had been solicited or any undue influence exercised over them.

Q.—You now state that you made it because you believed it?

A.—Yes, sir.

Q.—You stated in this interview that it was a fact. Now, state why you sent to the public a declaration as a positive fact when you now state that it was only your opinion?

A.—I do not know that I exactly understand you?

Q.—"The motion made to the effect that all Senators answer to the roll call as to whether or not they had been intimidated by lobbyists was a mere subterfuge." You stated that as a fact. You state now that you believed it was. Why is it you made a statement and sent to the press as a positive fact, and now state that you only believed it to be true?

A.—I do not know that every declaration a man makes necessarily means that

he knows that thing—a man can make a positive declaration and yet strongly believe in the truth of the statement he makes.

Q.—Senator, do you mean that a man is justified in making a statement as a fact impugning the honesty and integrity of a man and sending it to the public press as a fact unless he knows it to be true?

A.—I do not understand that in that statement that there is any reflection upon any man's integrity.

Q.—Senator, I will ask you that if upon that roll call a motion was not made that each Senator should answer if he had been intimidated, molested, embarrassed or unduly influenced by any lobbyist here—that if they answered to that yes or no, was not upon the proposition that he either had or had not been molested?

A.—That is correct.

Q.—Now, why is it that you will send to the public this positive statement that their answers were a mere subterfuge and dodge of the main issue if you did not mean to convey to the constituency of the Senators of this Chamber that they were not honest and not sincere, and not true to the people of Texas?

A.—Because I wanted to convey the idea that while it was true the Senators might not have been intimidated, yet that does not necessarily mean that the anti-lobby law had not been violated.

Q.—I ask you if your language does not imply that the Senators had been guilty of what you have charged, and that they were having this proceeding for the purpose of dodging the main issue?

A.—No, sir; I did not intend to convey the idea that the Senators were guilty, but that others were guilty of violating the anti-lobby law.

Q.—Senator, what do you mean is meant by the word subterfuge?

A.—Why—it means an evasion.

Q.—Did you not mean to convey to the people of this State the idea that the Senators here were evading the charges that you made, and that they had been unduly influenced and intimidated?

A.—I meant to convey the idea that they were not willing to take a vote upon the proposition or motion that I made showing that there had been violations of the anti-lobby law.

Q.—I notice this, Senator: Referring to the language just used, "This reminds me of a criminal on the witness stand

refusing to testify to anything that incriminates himself." Now state, Senator, to whom you had reference when you used that expression.

A.—That is a metaphorical expression. Of course I did not mean to charge that any Senator here was a criminal.

Q.—Do you now state that their actions were like that of criminals?

A.—No, sir; not in a sense that they had committed any crime.

Q.—Why should you use this expression at all to any Senator or about any Senator in this Chamber?

A.—I used that expression because I considered that in a sense it was embarrassing and would be embarrassing for any Senator to testify to the fact or go on record that he had been intimidated by outside influences.

Q.—Do you mean to say then, Senator, if a man had been lobbied with or improperly approached by anyone that he would lie about it and act like a criminal?

A.—I do not understand that from that language that a man, because he evades the question, necessarily is lying.

Q.—In what sense did the Senators answering the roll call, as referred to, remind you of a criminal?

A.—Well, I do not know about that.

Q.—This is exactly what we want to find out, Senator. I don't know myself.

A.—The only reason that I can see why that statement was made is because when a criminal is on the witness stand he is not permitted or allowed to testify to anything that would incriminate himself. He is not subjected to that embarrassment.

Q.—Do you mean to state to this committee, Senator, that when a man is charged with an offense and goes on the witness stand voluntarily as a witness that under the rules of law he is not permitted to testify to anything against himself?

A.—No, sir; I do not mean that.

Q.—Well, what do you mean by this expression: "That under the rules he is not permitted to testify against himself"?

A.—I mean that he is not required to do so.

Q.—I will ask you, Senator, if each one of the Senators by their own vote and by the vote of the Senate, did not go on the stand voluntarily and make that answer?

A.—What answer?

Q.—That they had not been intimidated—had not been influenced and em-

barrassed and molested by lobbyists, as you refer to.

A.—They did not go on record to the effect that they had not been embarrassed. They voted merely on the proposition that they had not been intimidated.

Q.—You state then, that the whole resolution did not cover the whole proposition that they had been embarrassed, intimidated and molested?

A.—That is the way I understand it.

Q.—I will ask you then, Senator, if they were not asking whether they had been intimidated or improperly approached?

A.—Perhaps that is true. I have forgotten the exact language that was used in that motion.

Q.—In the interview you used this language: "This reminds me"—that is, the Senators going on the stand and making the answer they did on this resolution—"of a criminal," etc. Now, I will ask you, Senator, if you did not in that language mean to compare the Senators with a criminal?

A.—No, sir; I did not.

Q.—What did you mean?

A.—I did not intend to convey the idea that the Senator was a criminal.

Q.—Did you mean to convey the idea that he was acting like a criminal?

A.—Only in the sense that he was evading the question; that is all.

Senator Veale—In other words, that he was evading a truthful answer to the question; in other words, dodging the main issue?

Senator Thomas—He was evading the question which I brought before the Senate that the anti-lobby law had been violated.

Lieutenant Governor Davidson—Senator, didn't you come to me, possibly, on Thursday morning and ask me for the privilege of the floor on the question of personal privilege, and did I not tell you that you would be entitled to it on this lobbying matter provided you had yourself been improperly approached, and that you would have the right to communicate to your fellow Senators that fact? Didn't you do that?

Answer—I did not understand, Governor, that you used those words. I understand now that you say that you told me—

Lieutenant Governor Davidson—Answer my question first, and then you can make your explanation.

Answer—No, sir.

Senator Sturgeon—Answer the question, Senator.

Answer—I asked the President of the Senate to recognize me on a point of personal privilege, and stated to him that I wanted to call attention to the violations—that there had been specific violations of the anti-lobby law.

Senator Mayfield—Now, Senator, you remember that Senator Meachum made a motion that the roll be called and that each Senator answer to his name and state whether or not he had been intimidated, embarrassed or molested, and you then offered a substitute to his motion—an amendment to his motion—that instead of the Senators being asked the question whether or not they had been intimidated, embarrassed or molested that they answer as to whether or not they know of any violations of the anti-lobby law. Now, in your statement to the press that they were evading the question, you had reference, did you not, to your amendment—that they were evading your amendment?

Answer—Yes, sir. The motion I made, Senator, was whether or not their votes had been solicited, or whether any influence on the part of those on the outside had been brought to bear upon them.

Senator Mayfield—Then, Senator, when you made the statement in the interview to the public that they were like criminals, you had reference to your amendment and not to the motion as made by the Senator from Grimes?

Answer—Yes, sir.

Senator Brachfield—When you rose to a question of personal privilege, you will remember, Senator, that I raised the point of order that it could not be done unless it affected you personally, and the Lieutenant Governor sustained it, and you told him that it was a personal matter.

Answer—Yes, sir.

Lieutenant Governor Davidson—Did not I tell you to begin with, Senator, that I did not think that the discussion of the anti-lobby law was a question of personal privilege, but if you had yourself been approached by any person that you could have the right to raise the question and disclose the fact to our fellow Senators?

Answer—No, sir.

Lieutenant Governor Davidson—I did.

Answer—I did not tell you—

Senator Sturgeon—Senator, I will get you to state what was said between you and the Governor.

Answer—I do not suppose I talked to the Governor more than two minutes, and all that was mentioned in that conversation was the fact that I wanted to rise on a point of personal privilege, and I told him that I wanted to call attention to specific violations of the anti-lobby law.

Lieutenant Governor Davidson—Didn't I tell you, Senator, that it would be permissible provided you had yourself been approached?

Answer—I do not remember, Governor, that those words were used by you.

Lieutenant Governor Davidson—What words were used?

Answer—I quoted your words as nearly as I could. When I told you, you answered me in very few words, and said: "Why, certainly, whenever you get ready I will recognize you."

Lieutenant Governor Davidson—Didn't I put it on the ground that you had yourself been approached?

Answer—I do not recollect it that way.

Lieutenant Governor Davidson—Didn't I tell you when you took the floor, and when the Senator from Rusk made the point of order that you were out of order, that it would be permissible if you had yourself been improperly approached?

Answer—I will state, Governor, that you appointed a stenographer to take down the proceedings, and that might be read here. I do not think that you used any such language as that.

The Chair—Will suggest to the committee that the record of the Journal shows all points of order.

Senator Sturgeon—We will get the record presently.

Senator Sturgeon—Now, Senator, I will ask you why you made this statement: "I predict here and now that unless the lobby is driven out of the Capitol almost all wholesome, remedial and reform legislation will be defeated."

Answer—Yes, sir.

Question—I will ask you whether or not you meant by that statement that the lobbyists would influence and keep the Senators from doing their duty?

A.—Yes, sir; that was the idea I wanted to convey. That perhaps that might be done.

Q.—You now say perhaps that might be done, but in the papers you made a positive declaration.

A.—Yes, sir; I believed that.

Q.—And that statement was made upon belief?

A.—Yes, sir.

Q.—Upon what did you base that belief—what act or conversation of any Senator in this Chamber gave you grounds to believe that?

A.—Well, that belief was based upon the fact that since this Legislature has convened there have been many people here who were using their influence with the Senators and Representatives to defeat certain legislation.

Q.—State where it was—who the Senator was—who the other party was and what measure it was they were trying to defeat.

A.—Well, I will state this: That there has been a lobby here, or at least that was my belief, doing all they could to prevent submission from going before the people. There has also been a strong lobby of sporting men doing all that they could to prevent the passage of the bill to prevent gambling on horse racing. There has also been at this Capitol a strong lobby—a very strong one, including the sheriffs of Texas and other county officials, using their influence on the floor of this Senate and in committee rooms to defeat the anti-fee bill.

Q.—Now, Senator, back to the first part of the question. I asked you to state the Senator or Senators that had been influenced. By whom, on what measure and when were they influenced? Now, I am taking the submission question first. You are putting it under three heads. Name the Senator—the time and place and by whom he has been influenced.

A.—I won't say positively that any Senator was influenced on that question, and I have not charged that. I have stated, however, that it was my belief that members of the Legislature had been influenced by the lobbyists.

Q.—Senator, do you refuse to name the Senator who has been influenced?

A.—I could not give the name of any one whose vote had been changed by any lobbyists.

Q.—Can you name the parties who are lobbyists that are here, talking about the submission question, none other—that were trying to change the vote of any Senator upon that question?

A.—I think I can name several gentlemen who have been here for weeks using their influence.

Q.—Name them, please.

A.—Well, one is Senator Onion from San Antonio, and ex-Senator Stafford from Mineola, and I have heard of others.

Q.—Now, Senator, be so kind as to state to this committee what the gentlemen said or did, which you have last mentioned, that makes you believe that they are exercising any influence over any Senator in this Chamber.

A.—Well, I have been told that they were here for that express purpose and nothing else.

Q.—Do you state then, Senator, that you made this declaration because some one told you that they were here for that purpose?

A.—Not altogether. I base that opinion to a large extent upon what I have seen.

Q.—Well, tell the committee what you have seen?

A.—I have seen some of those gentlemen here on the floor of this Senate and on the floor of the House, and in the hotels in close conference with members of this Senate.

Q.—Senator, who and when was it—the day or the night of the week—when was it?

A.—I do not know that I can give you the exact time and occasion. I know I have seen them.

Q.—Name the Senator or Senators they were talking to and what they were talking about.

A.—Well, I can not say what they were talking about.

Q.—To what Senator?

A.—I can not give you the name of the Senator.

Q.—Any of them?

A.—I think I have seen them talking to Senator Willacy and Senator Harper—no, not Harper—Senator Meachum and Senator Kellie. I think most of them were anti-submissionists.

Q.—Now, Senator, state what they were talking about.

A.—I could not say that.

Q.—You then swear that you do not know what they were talking about?

A.—Yes, sir; I have never said that I knew what they were talking about.

Q.—Then state where you get your justification of the charges—of charging a man of being guilty of violating the law without knowing what you were talking about. Now, state, Senator, where you get your belief—your justification for charging a man of being guilty of violating the law and his hon-

est convictions without knowing what you are talking about.

A.—I do not think that I have charged those two gentlemen named with any violation of the anti-lobby law.

Q.—What do you mean to charge them with?

A.—I have not charged them with anything.

Q.—Do you not state here, and did you not state a few moments gone, that all of this influence and this talk that you are speaking of is going to defeat these measures; that is, going to defeat submission before the Senate?

A.—That was my honest belief. I might be mistaken in that belief.

Q.—You then state now, Senator, that all you know about this is only your belief?

A.—All that I know about this specific thing—yes, sir.

Q.—That is your belief?

A.—Yes, sir.

Q.—You have named several gentlemen—the gentlemen that you name are they anti-submissionists or submissionists?

A.—I think they are all anti-submissionists.

Q.—I will get you to state to the Committee, Senator, how many submissionists you have seen in Austin since the Legislature convened—lobbyists—people who have come here in the interest of submission?

A.—I do not know that I have seen any. Unless—I understand that a lobbyist is a man who is paid for his services. Who is paid to represent a certain interest and whose services are being paid for that express purpose, and nothing else.

Q.—Now, the gentlemen that you mention having seen in conversation with Senators Kellie, Willacy et al., I will get you to state if you know whether they were paid to be here or not?

A.—I do not know that.

Q.—Then upon what ground do you classify them as lobbyists?

A.—I have been told that they are here for that purpose and were being paid.

Q.—Then your statement and your interview and your statement now is based upon hearsay testimony?

A.—Yes, sir; I believe so.

Q.—Where do you get that belief?

A.—From what I have seen on the floor of the Senate.

Q.—Who told you that they were here for that purpose?

A.—I do not know that I can give you the name of my informant.

Q.—Was he one or many informants?

A.—I heard that from several sources.

Q.—Can you name any of them?

A.—I do not know that I can just now.

Q.—Now, Senator, state who was here as lobbyists for submission as you know.

A.—Lobbyists for the submission?

Q.—Yes, sir.

A.—I do not know. I have seen Sterling P. Strong here several times.

Q.—Have you seen him inside of this Chamber?

A.—Yes, sir.

Q.—Can you name any others?

A.—Working for that specific purpose?

Q.—Yes, sir; as lobbyists—I mean for submission.

A.—Yes, sir.

Q.—Now, upon what do you base your opinion that he is a lobbyist for that cause?

A.—Well, I do not say that Mr. Strong is a lobbyist; possibly he is a lobbyist. He has been here and has taken a very active interest in the submission question.

Senator Greer—You do not know whether he was being paid for that, do you?

Answer—No, sir.

Question—If he was being paid you would call him a lobbyist?

A.—If he was being paid for the express purpose of coming here to Austin and using his influence for submission, yes, sir.

Q.—The distinction you make is that one is paid and the other is not paid?

A.—One who comes here prompted by patriotic impulses and is not interested in the matter, I would not consider the man a lobbyist.

Senator Veale—Is it not a fact, Senator, that nineteen out of every twenty men that come here have a selfish interest in legislation? Yet, if they are not paid they are not lobbyists?

Answer—No, sir.

Question—Can you name some one who has not a selfish interest who would come here and lay around Austin and work for the interest of a bill?

A.—I think there have been hundreds of men here.

Q.—I am not asking you what you think, I am asking you what you know.

A.—Ask your question again, Senator.

Q.—Do you know of any one who has been here lobbying—call it what you please—without any interest whatever in the measure? What man is it who

has been here seeking the passage of a bill that had no interest in it?

A.—Do you mean a selfish interest, a pecuniary interest?

Q.—Well, most any old interest.

A.—Well, I think Dr. Bradfield and Brother Norris and Dr. Carroll have been here.

Q.—They are all ministers of the gospel, are they not?

A.—Some are and some not.

Q.—And they are here to promote legislation along moral lines?

A.—Yes, along moral lines, and are not paid a dollar for their services.

Q.—If a man was here on the other side of the question—

A.—And being paid—

Q.—Hold on now, wait and let me ask the question—and was opposed to the measure that they are here in the interest of, then he would be a lobbyist, would he?

A.—No, sir; not necessarily.

Q.—Well, then, either one or the other of this class of people that I have just discussed can not be lobbyists unless they are paid and sent down here for that purpose?

A.—Yes, sir.

Q.—Do you think that these gentlemen—these ministers pay their own expenses—pay their way down here and their board?

A.—Some of them—some one told me so.

Q.—I am not asking you what some one told you, I am asking you what you know about it.

A.—Yes, sir.

Q.—And lost their time and all in the interest of these measures?

A.—Yes, sir.

Q.—Now, if people that are on the other side of the question have done likewise here, it is just a stand-off between the two?

A.—Yes, sir; that's it.

Q.—Don't you, Senator, think that the people of this State have a right to come to this Legislature on any matter that they are interested in and talk to their Senator, either in the committee room or outside of it?

A.—No, sir; not if that measure affects personally their interest.

Q.—Then no man can come when it affects his own interest?

A.—I think he has a right to come here under certain conditions.

Senator Sturgeon—Senator, name those conditions.

Answer—Well, he has a right when bills are pending before the Senate to come to the committee room. If it is

a bill affecting the interests of a railroad company that road had a right to send its general attorney here and represent their interest before that committee, but when he enters the room, under the provisions of our anti-lobby law, his purpose is to be disclosed so that then every member will know why he is present.

Question—Before we go further on another proposition, I want to ask you this question: Can you name any one who is a lobbyist under the definition you just gave—paid to come here to influence legislation (Veale) of your own knowledge and not what you heard somebody else say?

A.—Well, I want to modify the statement I have made to this effect. I believe that under certain conditions a man can be a lobbyist without being paid for his services.

Q.—But I want you to name now a lobbyist that has been paid that has been here that had talked to any Senator, yourself included.

A.—I could name several men who have been paid to come here in the interest of certain bills that affected the interest of their clients—certain corporations that they represent.

Q.—Well, can you name them?

A.—Yes, sir; some of them.

Q.—Well, all right, name some of them.

A.—There is Judge Perkins, general attorney of the Cotton Belt, and Judge Steadman and Judge Spoons and—

Q.—Well, you now have reference to the class of people as you have designated as having a right to go before a committee and disclose what they are there for?

A.—Yes, sir.

Q.—Well, you use this expression, Senator: "I predict here and now that unless the lobby is driven out of this Capitol almost all wholesome, remedial and reform legislation will be defeated." Now, Senator, who is it that you know here in the Capitol that should be driven away in order that legislation may be enacted?

A.—Well, I can not name any one specifically that should be driven away. But, I repeat the statement that the influence of those representing special interests has its effect or else they would not be here. I believe that.

Q.—Now, do you state that this is only your belief?

A.—Yes, sir; that is my belief.

Q.—Then why do you put it in black and white and send it out to the public

as a fact unless you want to do this Senate an injustice?

A.—I do not think that every one who would read that statement would infer that that was an absolute fact. I believe that it is an expression of my honest belief and nothing else.

Q.—You do not mention "believe" in this statement.

A.—It is not necessary for a man to reiterate the word "believe" in every statement in expressing his opinion that he believes every statement that he makes.

Q.—Anyway, when you made that statement you did not know anything of those things, but believed them?

A.—Yes, sir.

Senator Veale—And this belief is based upon the fact that you have seen certain parties whom you believed were lobbyists talking to Senators in the Senate and out of the Senate and in the committee rooms?

Answer—Yes, sir.

Question—And you did not know what they were talking about?

A.—Sometimes I knew what they were talking about, in the committee room when I was present.

Q.—They had a right to do that, didn't they?

A.—Some of them that were present I did not believe had a right to be present.

Senator Sturgeon—Now, Senator, we will take up the other question that you mention, the anti-horse race gambling bill. I want you to tell the Committee who are lobbyists here for or against that bill—give their names.

Answer—Well, I can not say positively who has been here lobbying against that bill. I know several men that have been here, and I have been told that they were here in the interest of that bill.

Question—Who are those who are lobbying for it?

A.—Lobbying for it?

Q.—Yes, sir; it is as much against the law to lobby for a bill as against it, is it not, Senator?

A.—I do not know that it is.

Q.—It is owing to the measure, altogether, is it not?

A.—A man that uses his influence to have a law enacted and lobbies for that bill is not usually prompted by selfish motives, but a man who uses his influence to defeat a measure, in a sense, is a lobbyist. A lobbyist usually tries to have laws defeated and not enacted.

Q.—Then, Senator, do we understand you to say that a lobbyist and those by

whom Senators are liable to be influenced are fellows that are against legislation and not for it?

A.—Yes, sir; I think that is the idea I wish to convey.

Q.—State the people who are here advocating the passage of the anti-race horse bill.

A.—Well, Dr. Bradfield has been here from Dallas, and Brother Norris, the editor of the Baptist Standard, and I think there are others here.

Q.—Now, what do you base your belief upon that anybody is here lobbying against that bill?

A.—Well, I have seen those gentlemen present in the committee room and have heard some of them speak and do all they can to prevent the passage of the bill.

Q.—Mention the man and place that has said or done anything against the passage of that bill except publicly in the committee room.

A.—You want me to give you the names of those who I have seen on the floor of the Senate?

Q.—Yes, sir.

A.—I can't say specifically that they were talking about that question.

Q.—I want you to state the name of the party and the Senator to whom he was talking and the parties that are here lobbying against that bill.

A.—Well, Mr. Cable and ex-Senator McKamey, I believe.

Q.—Now, state when and where it was that either of these gentlemen have talked to any Senator upon that particular question except publicly in the committee room.

A.—I think I have seen them on the floor of the Senate talking to the members of the Senate.

Q.—Can you mention who?

A.—I do not know that I can give any names. In fact I did not pay much attention to it.

Q.—Do you know that they were talking about that bill?

A.—I do not know.

Q.—Then why charge a Senator of being corrupt simply because you saw them talking?

A.—I did not charge a Senator of being corrupt because I saw him talking to the gentlemen, and I have never charged them.

Q.—Senator, I see this statement: "The paid attorneys, agents and representatives of the public service corporations and special interests in this State; in other words, the professional lobbyist, who is working for the money

that is in it, has more influence in shaping legislation than our Governor and four-fifths of the taxpayers of this State." To what Senator or Senators did you mean that statement to apply?

A.—I had no one specifically in mind when the statement was made.

Q.—Do I understand from that statement, then, that you had the whole Senate in mind when you made the statement?

A.—I wanted to leave the impression—to show that I believed that the lobby had that influence and that they could shape legislation.

Q.—How? How?

A.—By using their influence to defeat certain measures which conflicted with the interests represented by them.

Q.—In what manner would they use their influence, which you have reference to?

A.—Well, I don't know how far that influence might be carried.

Q.—You know what influence you had reference to when you said that. Now, what influence did you have reference to?

A.—Any kind of influence that might be brought to bear upon members of the Legislature, whether it was honorable or dishonorable. I was just trying to show the influence the lobbyists possessed and had.

Q.—Well, in what way, in your mind, can a lobbyist influence any Senator in this Chamber?

A.—Why, he can influence any member of the Senate by appealing to his reason.

Q.—Do you object to that?

A.—Well, not altogether, and in one sense I do.

Q.—Now, in what other way could he influence him, that you had in your mind when you wrote this?

A.—Why, he could influence him by embarrassment or intimidation.

Q.—In what way could he embarrass or intimidate him?

A.—By going before the committee and reflecting upon the honesty and integrity of the authors of the bills, and having his friends there to applaud his statements and express their approval of his statements—of the correctness of his statements.

Q.—In what other way did you have in mind that he might influence them when you wrote that, if any?

A.—Well, a man might be dishonestly influenced.

Q.—Did you believe that of any Sen-

ator here when you wrote that statement?

A.—No, sir; I did not think of that at all.

Q.—You did not think of that at all?

A.—No, sir.

Q.—Your statement then, Senator, that you had in mind and now believe, is that you entertained a fear that some Senator or Senators might be influenced by the special efforts made by agents advocating different propositions before the committees?

A.—Yes, sir; and also by private conversations and influence.

Q.—Now, Senator, name the man or Senator that you had in mind that had a private conversation or deal that would influence legislation.

A.—The Senator?

Q.—Yes, sir.

A.—I could not give the name of a Senator. I was talking about the lobbyist.

Q.—Did you not say that you thought that they might have private conversations and influence them?

A.—Yes, sir.

Q.—Now name who you had in mind.

A.—I said that it was possible for a lobbyist in a private conversation to influence a Senator. I did not say that anyone had been influenced, but that they could be influenced. It might happen.

Q.—You want to convey the idea that such a thing might happen, but you don't believe or think that it would happen with any Senator here now?

A.—Well, I don't say that it might happen. I believe it has happened and might happen again.

Q.—Do you mean to say at this session that it has happened?

A.—I know that influences have been exercised, and I believe that in this Legislature that members of the Legislature have been influenced by outside influences.

Q.—I want you to name those legislators you have reference to—the Senators—we are not trying to investigate the House.

A.—I do not know that I could give any names.

Q.—Now, you said you knew; how do you know?

A.—What I say might apply to myself as well as to anybody else.

Q.—You mean to say that you have been influenced to vote against a measure that you ought to have voted for, or for one that you should have voted against?

A.—No, sir.

Q.—Then what do you mean?

A.—I say that it is possible that I or other members of this Senate, and of the House, might be influenced to vote a certain way upon a question through the influence of the lobbyist.

Q.—Did you give this interview out then to stop the possibility of it—

A.—Yes, sir; that is it.

Q.—And not from anything that has occurred here?

A.—Not because I know of anything dishonorable on the part of the Senate. It was merely to protect them from this influence.

Q.—It is to throw around them a sort of safeguard and keep them honest?

A.—Yes, sir; that's it exactly. I believe in what our Lord says, "Lead us not into temptation."

Q.—Did you have reference to yourself—were you afraid someone would slip up on the blind side of you? (Of course I do not mean any reflection.)

A.—I have often repeated those words, and I am a great believer in that doctrine.

Senator Veale—You say that you had it published for the purpose of throwing around them a safeguard so that they would not be tempted and do wrong? You want to remove the cause so that these boys would not do any wrong?

Answer—Yes, sir; and warn them.

Question—And warn them against the evil to come?

A.—Yes, sir; against that that is already here and that might come.

Q.—You have been here now about a month, and from your association with the members of the Senate did you think that it was necessary for you to throw your protecting arms around them?

A.—I did not think that it was necessary for me to throw my arms around them, but believe that some other protection be thrown around them.

Q.—Now, what other protection was it you would invoke by that statement?

A.—I was invoking the protection of the anti-lobby law.

Q.—You believed that all members of the Senate were perfectly honest?

A.—Yes, sir.

Q.—You just wanted to keep them that way. Is that it?

A.—Yes, sir.

Senator Sturgeon—What did you use this expression for: "In other words, the professional lobbyist that is working for the money that is in it has more influence in shaping legislation than our

Governor and four-fifths of the taxpayers of this State"? Why did you include the Governor and four-fifths of the people?

Answer—Because the Governor and four-fifths of the taxpayers of this State—those are the words that I used there—are not in as close touch with the representatives of the people as these lobbyists are.

Question—Do I understand you to say that you simply wished to say to the people that the lobbyists had a better chance to influence legislation than the Governor or the people?

A.—Yes, sir.

Q.—Well, Senator, if you believed that the Senators were honest and upright, true gentlemen, tell the Committee how it is you thought that the lobbyists had more influence over them than their constituents or the Governor?

A.—Why; the lobbyists are constantly in touch with them and the Governor and the taxpayers are not.

Q.—Senator, do you believe that a Senator who is honest and true to himself and to his people, that any lobbyist can influence him wrongfully?

A.—Do I believe that they could be influenced?

Q.—That they are influenced?

A.—Yes, sir; I do believe it.

Q.—Wrongfully influenced?

A.—Well, I would not use the word wrongfully. I say that oftentimes imperceptibly they are influenced.

Q.—Then that is what you meant when you gave out this interview—was to warn the Senators that if they did not mind, in some unguarded moment they would do something they ought not to do?

A.—Yes, sir.

Q.—Well, Senator, tell this Committee if that was your object, instead of coming here and telling them face to face; why did you send out this interview to the press?

A.—I wanted to let the people of this State know—

Q.—That their Senators were in danger?

A.—Well, in a sense; yes, sir. Including myself.

Senator Veale—Do you think, Senator, that there is any danger of your falling from grace?

Answer—Replying to the Senator I will say that I belong to a church that believes in falling from grace.

Question—That is why you want protection?

A.—Yes, sir; that is one.

Q.—Since you are weak and belong to a church that teaches apostasy, you are inclined to measure the balance of us by your own standard, and think that we are all liable to fall from grace. Is that why you want to protect us?

A.—In a sense; yes, sir.

Senator Sturgeon—Senator, I see this statement here: "I predict that three-fourths of the reforms recommended to the Legislature by our Governor in his message—many of them platform demands—will be defeated before the Thirty-first Legislature because of the influence of the lobby." Now, I will ask you to state to the Committee, Senator, what caused you to give out that interview other than to state to the public that the Senators would be influenced by the lobbyists in carrying out the platform demands and enacting such legislation as the people of Texas want?

Answer—Well, that is it. You have stated by position there.

Question—In what way do you think the lobbyists keep the Senate from carrying out platform demands?

A.—By making personal appeals to their friends and those who are close to them, and oftentimes to those who are under obligations to them.

Q.—You mean privately or publicly?

A.—I do not believe that any man is capable absolutely of cutting loose from the friendship of his close and intimate friends.

Q.—You have a great many close friends. If they should come here and appeal to you to vote for a measure that in your mind and conscience you knew to be wrong, I will get you to state to this Committee whether you would vote for it?

A.—Even if I knew it was wrong, personal appeals might convince me that the bill was right, when if I was not molested and let alone I would vote against it.

Q.—Then your conclusion is that it is better for the representatives of the people not to be addressed upon any measure pending in the Legislature than to have people who have studied and understand the measures come before them in committees and otherwise and explain it?

A.—I believe that the Legislature should be protected from these outside influences, and I believe that the people of Texas presume that their representatives are intelligent enough to pass upon the merits and demerits of all questions brought before them.

Q.—Senator, do you not believe that

each Senator in this Chamber has moral character enough and ability enough to repel and resist any undue influence, whether from friends who come to him to get him to act upon a measure illegally and unlawfully?

A.—I believe that the members of this Senate are capable of resisting those influences, but yet I might be mistaken.

Q.—And lest you are mistaken you have taken this step?

A.—In fact, I believe that some members here have been already influenced to that extent that they have taken positive stand on certain questions on account of outside influence.

Q.—Please name the member and the issue upon which they have taken the stand.

A.—I do not know that I could give any name.

Q.—Tell me where you get your belief, then?

A.—I would not do that unless I am forced to.

Q.—In justice to yourself, and in justice to every member here, you should do this.

A.—I will say that there have been a thousand people in this Chamber appealing to the Senators to either vote for or vote against certain bills, and evidently those appeals would not have been made unless they had reason to believe that they would have some effect.

Q.—When, and who, were some of the thousand people, and who were the Senators that they were appealing to that, in your judgment, have been influenced by it?

A.—I would not give the name of any Senator.

Q.—Well, why not, Senator?

A.—I will say this: I was told last night that one man changed his position on the fee bill on account of the influence brought to bear upon him by the sheriffs here who were working against that bill.

Q.—Do you know that, or it is hearsay?

A.—Well, it came to me pretty straight. One of the authors of the bill told me that a certain gentleman in the House expressed himself in favor of the bill, and that in a few days after his sheriff came to see him he changed and took a stand against it.

Q.—That was in the House?

A.—Yes, sir.

Q.—Are you including the House in your husbandry?

A.—I would like for us all to be protected.

Senator Greer—The fact that a man changed his view on a bill after hearing it thoroughly discussed, it does not necessarily evidence that he was improperly influenced—he might have been properly influenced by reason of discussion, might he not?

Answer—Yes, sir.

Question—It does not necessarily follow that he was improperly influenced for him to change his vote?

A.—No, sir.

Senator Sturgeon—We will take up another point of the charges. I believe we have gone through two that you mention. Before we do this, let's go back a minute.

Question—You say that you have seen a thousand people on the floor of the Senate. Do you mean that you saw them when the Senate was in session or not in session?

Answer—Well, most of the time it has been when the Senate was not in session. I have seen them, however, here when the Senate was in session, upon the floor of the Senate.

Q.—Has anybody been to your seat and talked to you, either when the Senate was not in session or when it was in session?

A.—Yes, sir.

Q.—Did that influence you to change your vote on any question, or wrongfully cause you to change your mind on any question?

A.—Well, I do not believe that I have been influenced to the extent of changing my vote.

Q.—Upon what hypothesis do you put it, that other Senators were because the people came and talked to them?

A.—Well, it is an inference, and I think the mere fact of the presence of the lobbyists here is the strongest presumptive evidence that he believes he is exercising an influence, or else he would not be here.

Q.—Can you tell a lobbyist when you see him—when you meet him on the floor here or on the street?

A.—Pretty near it.

Q.—I wish you would describe one, Senator. I want to know him if I should ever meet him.

A.—I do not know that my powers of description are sufficient to do that.

Q.—Well, now let's get through with that question. You said you have seen a thousand people here. What made you believe they were lobbyists?

A.—From what I could see and hear; here and elsewhere.

Q.—What did you hear that made you

believe it? I mean, do you mean any outside evidence, but between the lobbyists and the members?

A.—I have heard them talking to members, talking to me, talking in the committee rooms to members of the committees, privately and publicly.

Q.—And from that you drew your conclusions that you have given forth?

A.—Yes, sir.

Q.—As a rule were they not citizens of Texas?

A.—Yes, sir; I think in the main they were.

Q.—I will ask you to state, Senator, whether or not it is a fact that on all those measures that the people are interested, that if the people are not about evenly divided that are on these measures, for and against them?

A.—No, sir.

Q.—Name the measure that they are unevenly divided on.

A.—That has been before this Senate?

Q.—Yes, sir.

A.—I suppose there have been one hundred and fifty or two hundred men here to defeat the anti-fee bill, and not one here lobbying to see that the bill becomes the law.

Q.—Now, I want you to state to the Committee who are the people that are here lobbying against the fee bill?

A.—They are sheriffs, county attorneys, county clerks and ex-sheriffs.

Q.—Who is the author of that bill, Senator?

A.—Senator Sturgeon, Senator Senter and myself.

Q.—Who are the lobbyists who have been here to defeat that bill?

A.—To defeat it?

Q.—Yes; name them, if you can?

A.—I do not know that I could give you the names of all those that have been here. I suppose there have been a hundred and fifty, more or less. The committee rooms have been crowded, and the floor here, and the hotels.

Q.—Now, Senator, name the Senator who has been approached privately, if you know, by any lobbyist upon that bill?

A.—Why, I think I saw a certain gentleman who was interested in the defeat of that bill here on the floor of the Senate several times, talking to members of the Senate in the interest of that bill.

Q.—Well, will you tell me who it was?

A.—I do not care to do so, unless it is absolutely necessary.

Senator Veal—It is mighty near necessary, Senator.

Answer—I have in mind one gentleman who has been on the floor of the Senate and in the committee rooms taking part in the discussion of it.

Question—Name him.

A.—This gentleman was Mr. Sparks, our present Treasurer.

Q.—Can you name any others?

A.—As I said, a great many of the officials have been here.

Q.—But you do not know their names?

A.—No, sir; I do not know their names. The sheriffs from Harris and Dallas and Bexar counties were here.

Q.—I will get you to state to the Committee if you know of any Senator who has changed his mind upon that bill by reason of lobbyists or otherwise?

A.—No, sir; I do not know that they have, but yet I will say that I have seen committeemen do things which I do not believe would have been done had it not been for the influence of that lobby.

Q.—Name them; the time and the place.

A.—Well, for instance, when the fee bill was pending before a certain committee—

Q.—What committee was that?

A.—I believe Judiciary No. 2.

Q.—You are right.

A.—The authors of the bill one night appealed to the chairman and the members of the committee to permit them to withdraw the bill for correction, and on account of the fact that a very large lobby was present and insisted upon the defeat of the bill, the committee took immediate action and therefore showed what I considered to be an open discourtesy to the authors of that bill, and I do not believe that that action would have been taken if it had not been for the influence of the lobby.

Q.—Will you please state the Senator who would not let it be withdrawn, or Senators, as the case may be?

A.—No, sir; I do not know right now that I know the names of the gentlemen.

Senator Hudspeth—I would like to ask you, Senator, that when that bill was passed upon if I did not ask you and the other Senators if you had anything to say upon the merits of that bill?

Answer—I will say this, Senator, that the authors of that bill asked that the action of the committee be postponed on that bill, and stated to you and other members of that committee that they had several corrections to make, and yet you forced an action on that bill.

Question—I forced action on that bill?

A.—I did not say that you did, yet you voted that way.

Q.—I didn't state that I wanted all the Senators to speak out on that bill—that they couldn't railroad bills through that committee?

A.—No, sir; I do not recall such a statement as that.

Senator Sturgeon—Mr. Thomas, state whether or not you know any member of the Committee on Judiciary No. 2, by reason of the lobby you speak of, changed their mind on that bill?

Answer—Well, I won't positively say that anybody changed their mind; there was one member of the committee who said something to me once that led me to believe that he was for the bill who afterwards voted against it.

Question—Now, do you mean to convey the idea that because he had changed his mind on the bill that he had been illegally influenced to do so, or had done so because he had been enlightened on the measure.

A.—I do not say that he was illegally or dishonestly influenced, but I do say that he was to a degree influenced in his action.

Q.—Now, do I understand you to say that a Senator who makes up his mind on a measure should be let alone and not changed, whether he be right or wrong?

A.—I do contend that he ought to be let alone and be in a position where coolly, calmly and dispassionately he could consider all these bills brought before him without these outside influences being brought to bear upon him—just like a man serving on a jury.

Q.—Now, Senator, you used this language: "A few days-ago a distinguished citizen from Beaumont made the statement before one of the committees, while passing on the anti-race, or gambling bill, that over \$4000 had been raised by the pool rooms of this town alone for the express purpose of bribing the Texas State Senators, and thereby defeat a bill which affected the interests of the pool rooms of this State—"

A.—The words "a few years ago" ought to have been there. Those words have been omitted.

Q.—You say that the interview—

A.—There are a great many grammatical mistakes in that interview. I did not read it over after it came from the stenographer.

Q.—Well, what do you mean by this: "Yet not one Senator present asked that the charges be proven or even investigated?" Now, if your interview contained the words that this occurred a few

years ago, then why did you follow that with the statement: "Yet not one Senator present asked that the charges be proven, or even investigated"? Why did you, if you wanted to convey to the public that that statement occurred, or had reference to a thing that occurred a few years ago—why is it that you put in that interview: "Yet not one Senator present asked that the charges be proven, or even investigated"?

A.—Well, I will state that I was present when the statement was made, and nearly everybody seemed dumfounded and amazed, and I believed that it was my duty, together with all the Senators and Representatives there, to have made inquiry into the matter.

Q.—What business or concern, if any, is this matter to Judiciary No. 2 to investigate the corruption, if any, that occurred in former Legislatures, and in the House?

A.—Well, I believe that it is the duty of the Legislature to make an investigation of anything that shows corruption or dishonesty on the part of the officials of this State, whether it took place this year or last year, or several years ago.

Q.—Even as to representatives who are now out of office?

A.—Yes, sir; I believe that.

Q.—Do you not believe, Senator, that the judiciary of this State are the proper tribunals to investigate those matters, and not Judiciary Committee No. 2 of the Senate?

A.—Perhaps they are not in possession of the facts that have come to our knowledge touching upon this question.

Q.—Senator, why do you leave the impression in your statement and send it out to the world that the Senators in that committee room and on that committee ought to have investigated that matter even if the gentleman making the statement stated that it occurred several years ago?

A.—I did not mean by that statement that the committee should make an investigation any more than any other committee of the Senate, but I say that after that statement was made I felt that it was the duty of every Representative and Senator present to put forth an effort to have an investigation made.

Q.—Why, Senator, did you use this expression: "Yet not one Senator present asked that the charges be proven"?

A.—Well, I used that statement because I inferred from the action of those present that they believed the charges

were true and that there was no necessity of making an investigation.

Q.—I will ask you, Senator, whether or not it is a fact that you meant by this statement to leave the impression that the thing was going on now and that the Senators knew of it and would not investigate it?

A.—No, sir; I wanted to leave the impression that the thing had been going on, and, therefore, it became necessary to throw a safeguard around the members of this Legislature now by enforcing the anti-lobby law.

Q.—Now, why did you make this statement: "I was told a few days since that a member of the Thirtieth Legislature borrowed money with which to come to Austin, and when he returned home he placed \$8000 to his credit in the bank"? Now, Senator, why did you send that to the country, but for the purpose of leaving the impression that such proceedings as that was now going on in this Senate?

A.—I made that statement so as to show to the people of this State that such things as that had taken place, and that the members of this Legislature, the representatives of the people of Texas, should be protected from those outside influences.

Q.—You then mean to state to this Committee that your object in doing that was to show to the people of Texas that such a thing had been done and was likely or liable to be done at this session?

A.—Yes, sir; that it might be done.

Q.—And in the face of all that, Senator, you state that you believe the Senators are all upright and honest gentlemen?

A.—Yes, sir.

Q.—If you believe that all the Senators are honest and upright gentlemen, does that not practically preclude the idea that they would borrow money to come here on and then go back with \$8000 to put in their home bank to their credit?

A.—No, sir; because I might believe they are honest, and it might develop afterwards that I was mistaken.

Q.—Do you believe you are mistaken, Senator?

A.—No, sir; I say I might be mistaken. There is no man on this earth that I would charge with that.

Q.—Senator, you used this expression: "I only wish the immortal Hogg was alive and could witness this deplorable spectacle." What deplorable spectacle do you refer to?

A.—Well, one is this deplorable spec-

tacle that is taking place in this Capitol right now.

Q.—You did not know that this would take place when you gave out that interview?

A.—I sort of expected it.

Q.—Were you fishing for it?

A.—No, sir; I was not fishing for it.

Q.—Now, do you state that this proceeding is what you had reference to?

A.—No, sir; I had reference particularly to the lobby that had been seen here.

Q.—Name the deplorable condition that you had reference to.

A.—The deplorable condition is that there never had been a time in the history of this State, in my opinion, when such an enormous lobby was seen in this Capitol and in our committee rooms as that which has met here since the Legislature convened.

Q.—What do you mean by enormous, boisterous or many?

A.—Many.

Q.—Many? Have you mentioned them, Senator—the lobbyists you have reference to—have you mentioned all the occasions that they were here—all of them, I mean?

A.—No, sir; I have not—I do not understand the question.

Q.—On all the measures that were pending here when lobbyists were present?

A.—We have had several lobbyists here representing different kinds of interests.

Q.—Mention them, Senator, because we want to try them if they are here. At least I do.

A.—Not many of them are here now. I don't see them.

Q.—Well, they were here—do you mean to say that they left after your interview—flew the coop?

A.—Some of them are here yet.

Q.—Name them now, Senator—the lobbyist and the measures for which they are lobbying?

A.—Well, I thought I had done that.

Q.—You have mentioned three only. Are there others?

A.—Yes, sir.

Q.—Name them.

A.—I believe at present there is a lobby here to defeat—

Q.—On what measure?

A.—I believe there is a lobby here to defeat the passage of the guaranty deposit bill. I think that lobby was quite conspicuous here today.

Q.—Was there anybody advocating that measure?

A.—Yes, sir.

Q.—Were they lobbyists?

A.—No, sir; not in the sense the others were.

Q.—What is the difference, Senator, between a lobbyist for a measure and a lobbyist against it?

A.—I believe that a lobbyist is a man who is using his influence to defeat legislation, and not using his influence to have laws enacted which he believed to be to the interest and benefit of the people, and it is a man whose influence is exerted to block legislation.

Q.—Suppose a man or a set of men believed that the enactment of a measure would be detrimental to the State, and they were here to appear before the committee to explain and show wherein it would be detrimental, do you mean to say that that would be lobbying, and while other parties could appear for the bill before the committee and that would not be lobbying?

A.—I do not know that that is the purpose of this Committee to have my opinion touching upon all these questions.

Q.—You seem to have been giving your opinions all along. Senator, it is the purpose of this Committee to find out what knowledge you have regarding this matter.

A.—That is not my knowledge—you are asking me for my opinion—for what I believe.

Q.—Well, you have been giving it mostly. I want you to answer the question.

A.—Well, ask it again.

Q.—Do you believe, Senator, that if a man comes here for the purpose of explaining to the Committee, that if a measure is enacted into a law it would be detrimental to the people of Texas and others that are in favor of the law are here to show that it would be to the interest of Texas—do you believe that those who are opposing the measure are lobbyists and those who are for it are not lobbyists?

A.—Not always—no, sir.

Q.—In what instance do you think the difference appears?

A.—If a man appears here and uses his influence to defeat the passage of a bill that affects his own interest and is not prompted by any desire to promote the interest of the people of the State, I consider that man a lobbyist, because it is a selfish motive that dominates and controls, and not in a desire to promote the public good.

Q.—You are of the opinion then, Senator, that if a man or men are here

against a bill that you are for, that he or they are lobbyists?

A.—Not altogether, Senator. No, sir; that is not it. But if he is here and is opposing a bill of which I am author, and that bill affects his own interest, in a sense that man is a lobbyist.

A.—Now, Senator, referring back to the fee bill, I will ask you if it is not a fact that the people that appeared before Judiciary Committee No. 2 when that bill was being considered, were not the sheriffs of this State, or many of them, and if they, or many of them as a rule are not for the enforcement of the law and building up of the country?

A.—Well, no more than any one else—just like any other citizen of the State.

Q.—Why do you call them lobbyists?

A.—Because I so considered them, and they are here in their own interest—prompted by their own selfish interest and nothing else.

Q.—Why do you say that, Senator? What do you base that upon?

A.—Well, that is my idea of the meaning of the word lobbyist.

Q.—Senator, can you give a specific time and place when and where any Senator here has been intimidated, influenced, molested by the lobbyist—and embarrassed?

A.—I can not say that any Senator here has been intimidated, molested or interfered with.

Q.—Then you do not know, do you, Senator?

A.—That they have been intimidated?

Q.—Yes, sir.

A.—No, sir; I do not know that.

Q.—Then why do you give out the interview and send it to the people that such a thing was likely to happen?

A.—Because I believed that might happen.

Q.—Now, you say that you gave out the interview and made these charges upon your belief and nothing more?

A.—That is it; yes, sir.

Senator Veale—Any bill that you have introduced since you have been here has been for the public good, has it not?

Answer—I think so.

Question—You thought it was or you would not have introduced it?

A.—Yes, sir.

Q.—You thought it was right for the people who favored your bills to go before the committee and say so?

A.—Nobody but members of the House and Senate went before the committee favoring it.

Q.—Senator, the question I am ask-

ing you is, do you think it is any harm for anybody in Texas, not a member of the Legislature, to go before the committee and say that they favor your bill?

A.—Under certain conditions it would be wrong and under certain other conditions it might be right.

Q.—You qualify your answer. I will ask it again. Do you believe that it is wrong for any citizen of this State to go before any committee in this Legislature and approve that measure before that committee or give reasons why they oppose it?

A.—If his interest was affected?

Q.—I am asking you about the people of this State. Do you think the citizens of Texas have no right to go before a committee and give reasons why a bill should be passed or why it should not?

A.—If they did so according to the law I consider they have a right.

Q.—All right, then, if you present a measure here and the citizens go before the committee and advocate that measure with a selfish interest, he would be a lobbyist?

A.—Yes, sir; in a sense.

Q.—What sort of interest? Let's get down to brass tacks—you think he is a lobbyist?

A.—Yes, sir.

Q.—Well, if a man goes before the committee and opposes a bill, no matter what his interest is, because your bill is for the interest of the people, he would be a lobbyist—is that it?

A.—Yes, sir.

Q.—So that a man who opposes your measure before the committee, or otherwise, is a lobbyist, and the man who favors your measure, if he has any selfish interest to subserve, he is also a lobbyist—is that the way you want to put it?

A.—Yes, sir; that is it—if he has any interest involved he is a lobbyist.

Q.—Now, Senator, do you know of any measure in either house that has been introduced but what will affect somebody's interest in Texas? If so, name them.

A.—No, sir; I do not.

Q.—Now, I will ask you this question, Senator. If you are a citizen of Hopkins county, engaged in a business enterprise, a legitimate business enterprise, the Legislature of this State proposed to pass a bill that practically annihilates your business, do you believe that you could not come to the Legislature and go before the committee and show them why your business would be ruined without being a lobbyist?

A.—Under certain conditions.

Q.—Name those conditions.

A.—I don't understand your question.

Q.—I said that if you were engaged in a certain legitimate business and a certain bill is introduced here placing you in bankruptcy in that business, do you think it is wrong for you to come before the Legislature and ask to go before the committee in opposition to that bill?

A.—If I ask to go before the committee and am granted the permission, then I would have a right.

Q.—Then you would not be a lobbyist?

Q.—You said a while ago that if a man had any interest in it, that he would be a lobbyist.

A.—Yes, sir.

Q.—Now, how do you reconcile that?

A.—In a certain sense I would be termed a lobbyist under the law. I said an attorney has the right to go before a committee if he does so under certain conditions, and in doing so he has obeyed the law.

Q.—Using the same illustration, Senator, that I used a moment ago, I will ask you this question: If you are engaged in a business in Hopkins county and I was your Senator, and a measure was up here that had for its effect the ruination of you, financially, do you believe that you, as a citizen of this State, the anti-lobby law would prevent you from coming to me and appealing to me to save yourself and your business from the ruin of this bill?

A.—It ought to prevent me from doing so. That is, if I do not go according to law.

Q.—That is law.

A.—A man ought not to be permitted to go before a committee if he does so in violation of the anti-lobby law.

Q.—If a law does not prevent a man from going before the committee, then why charge that the law has been violated?

A.—That is the charge that I have made, that the anti-lobby law has been violated.

Q.—Your idea is, Senator, that nobody has a right to go before a committee except a member of the Legislature and the heads of the departments that may be called upon, and such people as the committee itself might send for?

A.—Well, a man might be permitted to go before the committee without the committee sending for him, but, under the law if I go before that committee my purpose should first be disclosed

under the anti-lobby law before I enter the committee room.

Q.—Well, your purpose is disclosed when you go before that committee either for or against a measure.

A.—Well, suppose I go in there for—

Q.—Senator, do you mean to say that the committee room doors should be closed and that the people of this State have no right to be present when public matters are being discussed?

A.—Yes, sir; I think that the committee room should be closed, and I think that it is contemplated under the law that only certain people should be permitted to go before those committees. I do not think that it is contemplated under the anti-lobby law that the doors should be thrown open to everybody.

Senator Veale—That's all.

Senator Greer—Now, Senator, in reference to the fee bill, the lobby that came here is one of the largest lobbies that appeared before this Legislature—is that what you said?

A.—Yes, sir.

Q.—I will ask you, Senator, if the arguments used by those in behalf of the sheriffs was not to the effect that the law would render the service of the constabulary of this State less efficient and, therefore, be against the interest of the people by injuring the service of the constabulary?

A.—No, sir.

Q.—I will ask you this question, Senator: If the arguments used before the committee were not to the effect that it would encourage thieves and thereby be against the interest of the entire people of Texas, because it injured the service of the constabulary of this State?

A.—No, sir; the only argument that has ever been advanced, or at least nearly all the argument that was advanced in our committee, was to the effect that it would affect the interest of the county officers—not that it would affect the efficiency of the service.

Q.—Was it not there explained to those gentlemen that appeared there in the interest of the sheriffs that this law would not take effect until two years—until 1910?

A.—That is true, but most of them do not expect to retire from office at that time.

Senator Sturgeon—I want to ask you another question, Senator. I notice in this statement: "I expect yet to see the day when every scoundrel who tries to influence legislation will be put in the State penitentiary, and the time is

not far distant when every man who excuses him and protects him will forever be retired to private life." Will you name the scoundrel referred to there?

Answer—I can not name him. It does not make any difference who he is, whether he is here now or comes later in the future.

Question—Has anybody been in the Senate Chamber or about the Capitol during this session of the Legislature that is a scoundrel and ought to be in the penitentiary, from your own knowledge, as a lobbyist, and if so, who is he?

A.—I won't say that he ought to be in the penitentiary or that he is a scoundrel, according to my knowledge. I won't say that, because he might not be a scoundrel and might be an honest man.

Q.—You base that on your belief or opinion?

A.—Yes, sir.

Q.—You said, Senator, this: "And the time is not far distant when every man that excuses him and protects him will forever be retired to private life." Now, I will ask you, Senator, if you did not refer to a Senator in that expression; the lobbyist is already in private life?

A.—No, sir; I referred to any man that defends the lobby and stands for open violations of the anti-lobby law.

Q.—Senator, why do you use the expression "private life" if you did not have reference to the people who are in office?

A.—I did not refer to the people who are in office now, but who may be in office in the future. I said the time will come.

Q.—Did you have reference to any Senator in this Chamber?

A.—Why, if he upholds such, I have reference to him.

Q.—Well, do you know of any Senator who does that?

A.—Well, I do not say that I positively do.

Q.—Have you any information of any Senator that stands in with the lobbyist and protects him and defends him? If so, I want you to name him.

A.—Well, I might believe that some members of the Legislature are friendly to the lobbyists.

Q.—I will ask you if you know of any, not what you believe about it?

A.—No, I do not know.

Q.—Then, Senator, I will ask you if you do not think that you have done this Senate a great outrage by publishing to the people of this State this document leaving the impression that this

Senate is dishonest, and now here under oath you say that you do not know anything about it?

A.—No, sir; I do not say that I have done anything that is a public outrage.

Q.—Not a public outrage, Senator, but you have done the Senate an outrage.

A.—I say now, as I have said before, the only thought that I had was to defend the anti-lobby law, and denounce those who were guilty of violations of that law.

Q.—Now, Senator, name the Senator or Senators who is now ready or willing, or has ever been ready and willing to defend the violators of the anti-lobby law.

A.—I do not know that I could name them.

Q.—Can you name them?

A.—No, sir; I do not know that I could.

Q.—Then, Senator, your statement is, is it not, that so far as you know each Senator stands for the anti-lobby and its enforcement?

A.—So far as I know. I won't say that they do not stand for it.

Q.—So far as you know—

A.—So far as I know, yes, sir. They might be against it.

Q.—In other words, so far as you know you do not know anything to the contrary, but that each Senator stands for the anti-lobby law and its enforcement. If you know of any that do not, please name them.

A.—I infer from the expressions of some of them that they do not stand for it.

Q.—Name him.

A.—I won't name the Senator and won't say that he does not stand for it.

Q.—Name the Senator and the expression used that led you to believe that he did not stand for the enforcement of the anti-lobby law.

A.—I had rather not answer that question.

Q.—Senator, in justice to every Senator here and the people of Texas you should answer it.

A.—How is the question?

Q.—My question, Senator, was and is: Name the Senator or Senators and the expression used that leads you to believe that they did not stand for the enforcement of the anti-lobby law.

A.—I would rather not name any Senator here.

Q.—I shall insist on an answer to it, Senator, because if there is a Senator in this Chamber within your knowledge

who does not stand for the enforcement of the law as it now is, the people of Texas ought to know it, and if you have made the statement that there are such and they are not here, the people of Texas ought to know it.

A.—My opinion, Senator, on a question like that has really nothing to do with the question under consideration.

Q.—You said a while ago that from an expression of a certain Senator, you did not believe that he stood for the enforcement of the law.

A.—Yes, sir.

Q.—Now, I want to know the name of the Senator and the expression used from which you base your belief or opinion.

A.—I do not care to answer that question and won't do so until I am compelled to answer it, and I do not think I can be compelled to do so. I think the trouble now is that a good many seem to think that I have reflected too much on the membership of this Senate already, and I hardly think that it is fair for this Committee to try to force me to say and do anything that further reflects upon this Senate or any member of it. I think I have enough to stand for as it is.

Q.—You will not be held responsible for this answer if you make it, at least so far as I am concerned.

A.—It seems that I have been held responsible for every remark that I have made touching upon questions like this.

Q.—I want to insist for myself that you answer the question.

A.—I refuse to answer that question. Senator Sturgeon (addressing the Committee)—What does the Committee say?

Senator Thomas—I will state to the gentlemen of the Committee that I do not see that anything can be gained from answering that question, and if I do answer that question I believe that this committee and that this Senate, and every man whose name I might mention would vote to expel me from this Senate, and it does seem like an injustice to me that the Committee should insist and expect me to put myself in that attitude.

Senator Sturgeon—The reason that I insist, Mr. President, for an answer is this: I do not know who the Senator is, but one thing I do know, I know who it is not. I know I am not the one. I know that I am a member of the Senate, and I know that I stand for the enforcement of every law on the

statute book, and for this witness to make the statement that there is a Senator here who does not, and then refuses to tell what Senator it is, is to send out to the people and leave the impression that it is as liable to be their Senator as any other in this Chamber, and when it comes before this Committee and before the people of Texas, and goes down as a statement unworthy for any investigation, it is not right that this witness should husband up, bottle up, so to speak, what any Senator said to him in this Chamber; and send it out to the world as a reflection and then not let the world know what the expression was.

Senator Thomas—Mr. President, I understand that under the Constitution of this State there is no authority or power that can compel a member of the Legislature to testify to anything or make any kind of a statement. Now, Mr. President I do not see that the question that has been propounded to me has anything whatever to do with the matter now under consideration. It has nothing whatever to do with the specific charges that I have made that there have been specific violations of the anti-lobby law, and why the Senator here, or this Committee, or any one else, wants to put me in the attitude of reflecting upon members of this Senate I can not understand. That question has nothing to do whatever with this investigation. Of course, I am not very particular about it. I had as soon answer as not answer it; and it makes very little difference with me, as I said this morning, what will be the outcome of this investigation. I stand flat-footed now upon the charges that I made and have nothing to retract in reference to the charges to the effect that there have been specific violations of the anti-lobby law, but, Mr. President, you know, and the members of this Senate know, that the cause of all this spectacular performance and proceeding here is nothing except that some supersensitive men here have claimed that I have reflected upon their integrity and their honor, and that is all. Now, it seems that my distinguished friend, the Senator from Lamar, wants to further embarrass me by putting me in the position where I will have to say something that would in a sense be a reflection upon the members of this Senate, and I decline to answer that question.

The Chair—The Chair in ruling upon this question will state that it is the understanding of the Chair that the in-

vestigation at this time would be upon the charges made by the Senator from Hopkins that tended in any degree to reflect upon the Senate as a body or individually, and that next Tuesday at 2 o'clock an investigation would be made to see whether or not any violations of the anti-lobby law had been perpetrated, and the Senator has answered questions in such a way that leaves a doubt as to who is opposed to the enforcement of the law. The Chair will rule that the Senator should answer the question.

Senator Thomas—Then suppose I refuse to answer it. What action will the President and the Senators take? I want to first know.

The Chair—I would state to the Senator that there are different punishments. Of course, the Senate can not force him to talk. I would like to consider this matter. I will state to the Senator that there are only two punishments and that is expulsion of a member and confinement for forty-eight hours.

Senator Thomas—What I am talking about is, in case I refuse to answer the question, what kind of punishment can be inflicted on me?

The Chair—I will state to the Senator that I am only chairman presiding over this Committee of the Whole. Under the Constitution the Senate only has power to expel a member and to punish any person by confinement in jail for forty-eight hours.

Senator Cofer—Does not that only apply to persons who are not members of the Senate, but you can not coerce a member to say anything by punishment.

The Chair—I think that is correct. I have not looked into it. In view of the fact that the general statement reflects on the whole Senate, the Chair can only ask the Senator to answer the question.

Senator Cofer—I think in this investigation we should not forget that the Senator from Hopkins is a member, and is entitled to all the rights and privileges of a member, and I know that each member of this Senate is entitled to the special prerogatives under the Constitution, and I believe that we ought to proceed with great caution when we undertake to coerce and compel a Senator to speak upon any transaction, and I ask that we do not coerce the gentleman from Hopkins to answer the question.

The Chair—I will state that no one has asked the Chair to use any coercion, and that no coercion will be used.

Senator Cofer—The Senate has power, under Section 11, Article 3 of the Constitution, with the consent of two-thirds, to expel a member, but we can not proceed under Section 11, Article 3, to expel a member, because specifications must first be made showing disorderly conduct, and a refusal to answer a question is certainly not disorderly conduct.

The Chair—I will state to the Senator that I did not intend to prescribe any punishment. The Senator asked what punishment would be given. There is only one way to punish a member, and that is by expulsion.

Senator Harper—I will state to the Senator if he will give the name of the Senator that is opposed to the enforcement of the law, I for one will vote against his expulsion if he has reasons for his belief and grounds for making that statement.

The Chair—The Chair in his ruling ruled that, in view of the investigation, and the question and answer was fair, that it was his opinion that he ought to answer the question. I will leave it up to him as to whether or not he answers it.

Senator Veale—I feel this way: I believe that the Senator from Hopkins owes it to himself, as well as to the other members of this Senate, and he owes it to the people of Texas at large to give us every fact he has got. I think the whole thing ought to be laid bare, and he ought not to withhold any information he has; let the whole thing come out, and let us know it all. If he is correct, and had reasons for writing the article he did write, and had facts to base it on, I, for one, will extend to him the right hand of fellowship and say, "I believe you did right." I believe that he owes it to us who are here associated with him to give us everything he knows, and I believe he owes it to the State at large.

Senator Thomas—Is it not a fact that the purpose of this investigation is to ascertain whether or not the Senator from Hopkins has said anything or done anything that was a reflection upon the honesty and integrity of the members of this Senate; in fact, is not that the purpose for which he is now being tried? Now, in view of that fact, do you believe that it is right to ask him a question which, if answered, might be considered the worst reflection of all things that have heretofore been said by this member of the Senate?

Senator Veale—The Senator says that the object of this investigation is to de-

termine whether or not he has written a statement and sent it to the public reflecting upon the integrity of the Senate. Now, if he wrote that statement, and he says that he did, the object of this investigation is to go into the foundation of the statements that he made. If he had reasons to believe that they were true when he wrote them, he has got the right and we have the right to know the facts upon which he based the information. Frequently a man makes charges and says that he believes the things to be true and when asked why he believes them, and if it appears that there were grounds upon which to base that supposition it justifies the man making the charges. Now, then, applying that rule, the Senator here comes and says that these things are true in public print, but he does not say in public print that he believed them to be true, but he states them as absolute positive facts and as a direct imputation upon the good name of every member of this Senate. You owe it to them, Senator, and you owe it to yourself to state under what circumstances you were led to believe that these things were true. What we ask him to do is to tell the people what Senator it was that expressed himself so as to lead him to believe that he was not in favor of the enforcement of the anti-lobby law.

Senator Holsey—Do you believe we have the constitutional right to coerce the Senator to answer the question?

Senator Veale—None whatever. I am only trying to reason it out of him.

The Chair—I want to state again the ruling of the Chair. The Chair has no power or any disposition to coerce the Senator to answer the question, but the Chair was asked to rule, and the Chair stated that he thought that the question ought to be answered.

Senator Veale—The Senator has answered that he has heard Senators express themselves as being opposed to the anti-lobby law. We are asking who they were and the expressions used and the circumstances under which the expressions were used. This is the question: "Name the Senator and the expression that he used that led you to believe that he did not stand for the enforcement of the anti-lobby law?" I wish to state here that we have no intention to embarrass him in any way, but I am appealing to him.

Senator Thomas—If this was not a personal matter between some Senator here and myself, I wish to say that I would not hesitate to answer that question. I further state that this morning

I stated and gave the name of the Senator who told me in a conversation that he was not in favor of the enforcement of the law, but I decline to go any further in that direction.

Senator Meachum—I wish to state to the Senator that that statement is untrue.

Senator Thomas—It is true, and I will tell you and anybody else that it is true. I repeat that the statement I made is true.

The Chair—I understand the Senator refuses to answer the question.

Senator Sturgeon—Senator, you stated the other day, if I remember correctly, and if I misquote I hope you will correct me, that you had been intimidated since you came here; am I correct in that?

Answer—Yes, sir; that is true.

Question—Will you state by whom, how, where and when you were intimidated, if you remember?

A.—Well, I stated, Senator, the other day on the floor of this Senate, that I had in a sense been intimidated and considerably embarrassed at things which I have observed on this floor and in committee rooms.

Q.—Now, state what you had reference to, Senator, when you said that.

A.—Well, I had no particular reference to any particular thing.

Q.—Do you mean to say, then, that you had just been intimidated and embarrassed generally?

A.—I do not say that I was generally.

Q.—Now, Senator, one other question and then I am through. Now, the intimidation and the embarrassment that you had reference to the other day when you made the remark you did, did it occur while the Senate was in session or not?

A.—While the Senate was in session?

Q.—Yes, sir.

A.—No, sir; I think not.

Q.—Did it occur in the Senate Chamber or in the committee rooms?

A.—I think it occurred in the committee rooms.

Q.—Can you name the particular bill that was under consideration, if any?

A.—One was the anti-fee bill.

Q.—That is when the sheriffs and other men were present?

A.—Yes, sir.

Q.—Now, Senator, there is another question that I want to ask you. If you knew of any of the things contained in your interview or statement made the other morning, of being true, why didn't you go before the county attorney or any other officer having juris-

diction of the matter and authority to investigate it, and make complaint?

A.—No, sir; I did not know. I thought perhaps the Senate, in a sense, would have the power to enforce some of the provisions of the law, especially that provision of the law which has reference to the committee rooms and the privileges that lobbyists are allowed before the committees.

Q.—If you now know of any violation of the anti-lobby law, or shall find out any hereafter, will you go before the proper authority and make the proper complaint and proceed in the proper way?

A.—I do not know but what I will. If this Senate will stand by me I certainly will.

Senator Sturgeon—That is all. Does the committee want to ask any further questions?

I will state, Mr. President, that if there are any Senators that want to ask the witness any questions, they have the right to do it. If afterwards there are any statements that the witness wants to make, he should have the right to do so.

The Chair—If there is any Senator on the floor who wishes to ask the Senator from Hopkins any question, they have that privilege. After they get through the Senator from Hopkins has the right to make any statements he may wish to make.

Senator Kellie—You say you saw me in close consultation with Mr. Onion and Mr. Stafford. I would like for you to tell me when and where that was when you saw me in that close conference?

Answer—I feel sure, Senator, that I saw one of those gentlemen talking with you at your desk here on the Senate floor.

Question—I want to say that you are—

The Chair—The Chair has ruled that any Senator may ask the witness a question. However they may differ with the witness they must not argue the question.

Senator Kellie—I just want to say to you that you are sadly mistaken, Senator. What kind of a looking man is Mr. Onion? I never saw him in my life that I know of.

Answer—You have never seen Senator Onion?

Question—Not to know him.

A.—Have you ever seen Senator Stafford?

Q.—Yes, sir.

Senator Sturgeon—Mr. President, I will ask that the witness does not ask questions, and that the Senators do not argue.

The Chair—I will sustain that.

Senator Mayfield—In any of your statements, or in any of the interviews that you have given out to the papers, was it your intention to reflect upon the honesty or integrity of any member of this body?

Answer—No, sir: I have made that statement several times.

Question—Now, Senator, do you think that the members of this body are honest men?

A.—I have answered that question. I think they are.

Q.—I understand, Senator, that you have not testified to anything of your own knowledge, of course, and that all you have said is based upon your opinion?

A.—Yes, sir.

Q.—Now, Senator, in your statement to the paper, did you intend to convey to the people of Texas the idea that the Senators had been improperly lobbied with?

A.—It was my purpose, Senator, to convey the idea that if safeguards were not thrown around them they might be improperly dealt with.

Q.—I am trying to help you, Senator, and I hope that you will not evade my questions. In any of these statements that you gave out to the papers, did you intend to convey the idea that the Senators on this floor had been improperly lobbied with?

A.—Did I intend to convey that impression?

Q.—Yes, sir. As you understand the lobby law, people can not come here and talk to the Senators?

A.—Under certain conditions they can, and others they cannot.

Q.—People can come here, Senator, and talk with us and appeal to our reason without violating the anti-lobby law. Now, Senator, you can tell whether you intended to convey the idea that the Senators have been improperly lobbied with?

A.—I will answer that question by saying that I know of no Senator who has been improperly influenced, but I believe some of them have been improperly lobbied with—I do not say that they have been improperly influenced. If any offense has been committed it is on the part of the lobbyists.

Q.—I understand what you answer, Senator. Now, you state that a Repre-

sentative in the Thirtieth Legislature borrowed the money with which to come to Austin and then returned home and placed \$8000 in his home bank to his credit. Is he a member of the House now, or a member of the Senate?

A.—No, sir.

Q.—Would you mind stating who that was?

Senator Sturgeon—I raise the point of order that we are not now investigating former members of the Legislature.

The Chair—I will sustain the point of order.

Senator Mayfield—I thank the Chair for overruling that.

Senator Thomas—I am afraid the Senator from Bosque wants to get me into further trouble:

Senator Mayfield—The question that I wish to direct your attention to, is this fact and this only: A great many Senators think that they have been insulted and that you have questioned their honesty and integrity. Now, upon that I want to make plain that all you wanted to do was merely to call attention to the fact that the anti-lobby law was being violated and that you had no intention to reflect upon the honesty and integrity of any member of this Senate. Am I correct?

Answer—You are correct.

Senator Harper—Senator, did you call my name as one who had been lobbied with? I was out and didn't hear it, but someone told me they thought you did.

Answer—I do not think I mentioned your name.

Senator Brachfield—You say that you did not intend this statement as a reflection upon any member of the Senate?

Answer—Yes, sir.

Question—Senator, I have a statement here that I want to read to you, and ask if you are willing to sign it, taking portions of your interview as you gave it out in the paper. The first one is this (reads):

"Whereas, In a statement given out to the press I was quoted as having said the following things: 'I was warned several days ago that I would be shot full of holes if I called attention to the violations of the anti-lobby laws.' In making this statement I did not mean any physical violence to myself, and if it cast any reflection upon any Senator I hereby retract it." Are you willing, Senator, to sign that?

Answer—Senator, read that again.

Question—(Re-reads.)

A.—To sign that I would leave the

impression there that I made the impression that I would be shot full of holes.

Q.—Then you are not willing to sign that?

A.—I will change that by saying that I did not want to leave the impression that the gentleman who made the statement meant it literally.

Q.—You are willing to retract that if it is changed, as it does not affect your charges as to the violations of the anti-lobby law?

A.—Yes, sir.

Q.—(Reads second paragraph). "I was also quoted as saying in reference to the roll call the following: 'This reminds me of a criminal on the witness stand refusing to testify to anything that incriminates himself.' I did not intend this as a reflection on any Senator, and I hereby retract it."

A.—I am willing to say that I did not intend any reflection.

Q.—(Reads third paragraph). "I was further quoted as saying the following: 'I predict here and now that unless the lobby is driven out of this Capitol almost all wholesome, remedial and reform legislation will be defeated.' I did not mean this as a reflection upon any member of the Senate, and I hereby retract it." Senator, I am trying to get you in proper shape with the Senators here; are you willing to sign this?

A.—I am willing, Senator, to sign the statement that no reflection was intended upon the members of this Senate.

Q.—Senator, I want to be your friend. If you should say that a man has told a falsehood, and then say that you did not intend to reflect upon him, it would not help him any.

A.—I will retract the statement, but I will say that nothing in it was intended as a reflection.

Q.—Senator, you understand that the other Senators here considered it so when you say that they acted like criminals. That is already before the people, and as well as the statement that unless the lobby is driven out of this Capitol almost all reform legislation will be defeated. That leaves the impression that certain Senators have already been influenced.

(Reads fourth paragraph.)

"I was also quoted as saying the following: 'A few days ago a distinguished citizen of Beaumont made a statement before one of the committee, while passing on the anti-race, or gambling bill that over \$4000 had been raised

by the pool rooms of this town alone for the express purpose of bribing the Texas State Senators, and thereby defeating the interest of the pool rooms of this State.' I did not mean this as a reflection upon any member of the Senate, nor did it even refer to the present session of the Thirty-first Legislature, but to some former Legislature, and for fear of being misunderstood I hereby retract it."

Now here is the last paragraph (reads): "I was further quoted as saying the following: 'I was told a few days since that a member of the Thirtieth Legislature borrowed money with which to come to Austin and when he returned home he placed \$8000 to his credit in the bank.' I did not mean to refer to any member of the present Senate, and for fear it shall be so construed, I hereby retract it."

You understand the question, Senator. Are you willing to sign this kind of a statement?

A.—I am willing to sign a statement here that will be perfectly satisfactory to the members of this Senate, that it was not my purpose at any time to reflect upon the honesty and integrity of the members of this Senate, but I won't retract—I won't say that the statements I made there are false, because I do not know that. They were made to me by other parties and may be correct.

Q.—I did not ask you to say that, Senator, but in one place you say that they acted like criminals, and I ask you to retract that, as you see—

Senator Watson—A point of order, Mr. President. The Senator is not on trial for having issued that statement. The question under discussion and consideration here is whether or not these charges are true, and a retraction on the part of the Senator from Hopkins, I take it, would not be to the satisfaction of the people of Texas, and I take it that the gentleman not being on trial for giving out those statements, that his retraction or his declining to make a retraction, would be wholly immaterial, and it is out of order at this stage to ask him to make a retraction.

Senator Brachfield—I asked him for my own satisfaction, not being a member of the Committee, if he would be willing to sign this statement.

The Chair—I will have to sustain the point of order of the Senator from Rusk. Senator Veale moved that the Committee take a recess until 8 o'clock tonight, which motion was adopted.

(After Recess.)

At 8 o'clock p. m. the Committee was called to order by Senator Terrell of Bowie, officer presiding.

Senator Sturgeon, as Chairman of the Examining Committee, asked that the Committee be given ten or fifteen minutes within which to consult.

At 8:15 p. m. the Committee was again called to order, when the following proceedings were had:

Senator Sturgeon—Mr. President, the Committee understands that Senator Brachfield has a statement in writing, signed by Senator Thomas, and before we proceed further with this matter we would like to have Senator Brachfield come around and introduce the paper or state what the paper is, so that the Committee may have the benefit of it.

Senator Hume then made a motion that Senator Brachfield read the statement referred to, which motion was adopted.

Senator Watson raised the point of order that the statement proposed to be read was merely a retraction of some statement made by the Senator from Hopkins in the public prints of this State. This statement is merely a retraction of the charges made against the Senate, and it is immaterial for the purpose of this investigation, whether the Senator now withdraws or retracts the statements made by him, and is not germane to the question under consideration.

Senator Mayfield raised a point of order on the point of order made by Senator Watson, that the statement had not been introduced as yet, and therefore was not a matter before the Senate.

The Chair—Rules that the resolution provided that three of the Senators should conduct the investigation, and that in that resolution there were no restraints thrown around that committee as to their procedure, and as they have requested that this statement be read, the point of order will have to be overruled.

Senator Watson—I make the further point of order, that the statement purporting to be a retraction of former statements made with reference to the matter under consideration, is not germane to the question under investigation by this Committee, and that being true, it would be out of order to accept at this stage of the proceedings a statement withdrawing any statements heretofore made by the Senator from Hopkins. In other words, it is not in furtherance of the original purpose of the

resolution introduced to permit a withdrawal of the charges by the Senator from Hopkins, and that a withdrawal of those charges is not in accord with the resolution, but that resolution provides for an investigation to determine the truth or falsity of those charges.

The Chair—In passing upon that point of order, as I stated a while ago, this Committee, to conduct this investigation, has no restrictions upon their judgment. They make this request as one of the methods of conducting this investigation, and it strikes the Chair that their request should be complied with. You understand, gentlemen, if any Senator or member of the Committee of the Whole feels that the Chair is in error, the Chair will not feel in the least bit hurt if he should appeal from the ruling of the Chair. The Chair will have to overrule the point of order.

Senator Murray—I would like to ask a question. I presume that the reading of this document will not conclude the investigation until the Senators who have been appointed to conduct it desire so to do. In other words, permitting the reading of this document does not prevent the gentleman from going ahead with this examination or concluding it as they may direct.

Senator Brachfield—This statement is made voluntarily by the Senator from Hopkins and was made on a proposition made by myself, and I want to say to the Senators that it is entirely satisfactory, as I understand it. We were to investigate at this time the charges that reflected upon the Senate as a body or the Senators individually. I will now read the statement (reads):

"Whereas, In a statement given out to the press, I was quoted as having said the following things:

"I was warned several days ago that I would be shot full of holes if I called attention to the violation of the anti-lobby law.' In making this statement I did not mean any physical violence to myself, and if it cast any reflection upon any Senator I hereby retract it.

"I was also quoted as saying in reference to the roll call the following: 'This reminds me of a criminal on the witness stand refusing to testify to anything that incriminates himself.' I did not intend this as a reflection on any Senator and I hereby retract it.

"I was further quoted as saying the following: 'I predict here and now that unless the lobby is driven out of this Capitol almost all wholesome, remedial and reform legislation will be defeated.'

I did not mean this as a reflection upon any member of the Senate and I hereby retract it.

"I was also quoted as saying the following: 'A few days ago a distinguished citizen from Beaumont made a statement before one of the committee, while passing on the anti-race or gambling bill, that over \$4000 had been raised by the pool rooms of this town alone for the express purpose of bribing the Texas State Senators and thereby defeating the bill which affected the interests of the pool rooms of this State.' I did not mean this as a reflection upon any member of the Senate, nor did it even refer to the present session of the Thirty-first Legislature, but to some former Legislature, and for fear of being misunderstood I hereby retract it."

"I was further quoted as saying the following: 'I was told a few days since that a member of the Thirtieth Legislature borrowed money with which to come to Austin, and when he returned home he placed \$8000 to his credit in the bank.' I did not mean to refer to any member of the present Senate, and for fear it shall be so considered I hereby retract it."

"Austin, Texas, February 10, 1909.

"(Signed) H. BASCOM THOMAS."

Senator Sturgeon—Now, Mr. President, on behalf of the Committee, we introduce this statement that it may become a part of the record and be printed in the Journal.

Senator Cofer then moved that the Committee on this branch of the investigation now accept the statement, and report to the Senate that that part of the investigation was closed.

The Chair—Do I understand that the motion of the Senator from Cooke is to instruct the Committee what to do?

Senator Cofer—The motion is that the Committee accept the statement and report to the Senate advising the Senate that they accepted the retraction.

The Chair—Does that apply to the Committee of the Whole or the Committee of Three?

Senator Cofer—To the Committee of the Whole.

The Chair—The Senator from Cooke moves that the Committee of the Whole accept the statement just signed by the Senator from Hopkins as a retraction of his charges against the Senate.

Senator Venale—I make as a substitute for the motion made by the Senator from Cooke that the Committee of Three be now discharged from further duty.

Senator Cofer raised the point of order that the Committee of Three was acting under the Senate and not the Committee of the Whole, and that, therefore, the Committee of the Whole could not discharge them.

The Chair sustained the point of order.

Senator Watson moved that the Senator from Hopkins be expelled.

Senator Alexander—A point of order, Mr. President. This is a Committee of the Whole and has no power to entertain the motion made by the Senator from Lee.

The Chair—The point of order is well taken.

Senator Watson—I make the same point of order. This being a Committee of the Whole the motion to accept the apology from the gentleman and to drop this investigation is not now in order.

The Chair—I will state to the Senator from Lee that the Senate is in a Committee of the Whole to investigate these charges, and not to consider the expulsion of a member, and it strikes the Chair, Senator, that the Committee of the Whole has a right to do anything pertaining to the consideration of the matters upon which they are sitting, and then make up their report and report to the Senate. Therefore, I think the Committee of the Whole considering this matter has a right to pass upon anything pertaining to it.

Senator Watson—I make a point of order that this Senate sitting as a Committee of the Whole, under the ruling of the Chair, can not consider anything further than the report of this Committee. That the Committee itself may accept a retraction of the charges made by the Senator, but that the Committee of the Whole can not go beyond that at this time, and that they can only act upon the report of the Committee.

The Chair—I believe the Senator from Lee is correct. The Committee of the Whole can pass on matters and recommend back to the Senate their action. The action of the Senate acting as Committee of the Whole is not final on anything. That is my understanding of the result of the Committee's deliberations. They can deliberate on this matter, make up their opinion and report to the Senate.

Senator Hudspeth—I understand, Mr. President, that if the Committee adopts the statement that has just been read, that exonerates the Senator from Hopkins and stops this proceeding. Then

what is the object of making this report?

The Chair—If I understand, the result of the Committee of the Whole is the same as the Committee of Three. They report back to the Senate.

(Brachfield presiding.)

After some discussion by the different members of the Committee of the Whole, Senator Sturgeon moved that the Committee report back to the Senate the acceptance of the statement made by the Senator from Hopkins.

Senator Terrell of Bowie offered as an amendment to the motion that the Committee of the Whole, in addition to reporting to the Senate the acceptance of the retraction made by the Senator from Hopkins, recommend that this matter is now closed.

Senator Sturgeon—I accept the amendment.

The Chair—The motion now is, that the Committee of the Whole report back to the Senate that they accept the retraction made by the Senator from Hopkins, and that the whole investigation is closed.

The above motion was then adopted.

Senator Sturgeon moved that the Committee of the Whole now rise, which motion was adopted.

Senator Alexander then moved that the Senate stand adjourned until tomorrow morning at 10 o'clock, which motion was adopted.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, February 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 86, A bill to be entitled "An Act to amend Article 2960, Chapter 1, Title 55 of the Revised Statutes of 1895,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MEACHUM, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, February 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 167, A bill to be entitled "An Act to amend Article 1264 of the Revised Statutes of 1895, and to fix the time of filing an answer in all cases where the defendant is cited by publication,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, February 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 167, A bill to be entitled "An Act to amend Article 1264 of the Revised Statutes of 1895, and to fix the time of filing an answer in all cases where the defendant is cited by publication,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

COFER,
BRACHFIELD.

(Majority Report.)

Committee Room,
Austin, Texas, February 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 119, A bill to be entitled "An Act prohibiting railroad corporations and receivers thereof and other persons, firms and associations of persons engaged as a common carrier in the transportation of persons for hire and the agents of any such railroad corporations or receivers thereof and of any other such person, firm or association of persons, from charging, receiving or accepting compensation for such transportation on Sunday less than the amount charged by such railroad corporation or receiver thereof or such other person, firm or association of persons for such transportation on any other day, unless such railroad corporation or receiver thereof or such other person, firm or association of persons shall in good faith offer to the public for some other day within three days before or after such Sunday substantially similar transportation between

the same points at the same rate; making any violation of this act a misdemeanor, and prescribing punishment therefor, and prescribing venue of such offenses,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MEACHUM, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, February 9, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 119, A bill to be entitled "An Act prohibiting railroad corporations and receivers thereof and other persons, firms and associations of persons engaged as a common carrier in the transportation of persons for hire and the agents of any such railroad corporations or receivers thereof and of any other such person, firm or association of persons, from charging, receiving or accepting compensation for such transportation on Sunday less than the amount charged by such railroad corporation or receiver thereof or such other person, firm or association of persons for such transportation on any other day, unless such railroad corporation or receiver thereof or such other person, firm or association of persons shall in good faith offer to the public for some other day within three days before or after such Sunday substantially similar transportation between the same points at the same rate; making any violation of this act a misdemeanor, and prescribing punishment therefor, and prescribing venue of such offenses,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

WARD.
COFER.

Committee Room,
Austin, Texas, February 9, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 173, A bill to be entitled "An Act to amend Chapter 175 of the General Laws of Texas, passed by the

Thirtieth Legislature, prescribing compensation of district attorneys; amending said law so that Article 1081a of the Code of Criminal Procedure shall hereafter read as follows:"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HARPER, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, February 9, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred

Senate bill No. 116, A bill to be entitled "An Act to amend Article 199, Chapter 2, Title 7 of the Penal Code of the State of Texas, and to insert in said Chapter 2, immediately following said Article 199, an article to be designated and known as Article 199a, providing that upon each conviction after the first for a violation of any of the provisions of said Article 199 as amended by that act, the punishment shall be double that prescribed,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

HARPER,
ALEXANDER.

(Majority Report.)

Committee Room,
Austin, Texas, February 9, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 116, A bill to be entitled "An Act to amend Article 199, Chapter 2, Title 7 of the Penal Code of the State of Texas, and to insert in said Chapter 2, immediately following said Article 199, an article to be designated and known as Article 199a, providing that upon each conviction after the first for a violation of any of the provisions of said Article 199 as amended by the act, the punishment shall be double that prescribed,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, February 9, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 107, A bill to be entitled "An Act to regulate the transportation of Johnson grass or Johnson grass hay along the public highways or across the lands of another in this State, and providing penalties for the violation thereof,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HARPER, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, February 9, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred

Senate bill No. 107, A bill to be entitled "An Act to regulate the transportation of Johnson grass or Johnson grass hay along the public highways or across the lands of another in this State, and providing penalties for the violation thereof,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Strike out the words, "and free from matured Johnson seeds," at the end of Section 1.

SENER.

Committee Room,
Austin, Texas, February 9, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

Senate bill No. 123, A bill to be entitled "An Act to amend Article 4833, page 1, Title 98 of the Revised Statutes of the State of Texas, relating to the annual salary of the Superintendent of the Public Buildings and Grounds, and fixing the same at \$2500 per annum,"

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass.

WILLACY, Chairman.

Committee Room,
Austin, Texas, February 9, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

Senate bill No. 155, A bill to be entitled "An Act prescribing franchise taxes to be paid by private, domestic and foreign corporations for the exercise of the privilege of doing business within the State of Texas, and providing for the collection thereof; prescribing conditions upon which foreign corporations may obtain permits to do business, and for the surrender of such permits; fixing a basis for the computation of the amount of such taxes and providing for reports of officers of such corporations in connection therewith, and making it a misdemeanor to fail or refuse to make such report, and fixing a penalty therefor; prescribing the times and manner of making payments of such franchise taxes; providing for penalties for failure to make prompt payments of such taxes, providing for the forfeiture without judicial ascertainment of the right of such defaulting domestic or foreign corporation to do such business because of failure to pay taxes and penalties as prescribed by this act, and for the revival of such rights; providing for the forfeiture by a judgment of any court of competent jurisdiction of the charter of such defaulting corporation because of failure to pay such taxes and penalties within the time allowed by this act for payment thereof; extending the time within which, and prescribing conditions upon which such domestic and foreign corporations which are now in default in payment of franchise taxes and penalties may pay same and have their right to do business revived, and providing that the failure of any such domestic corporation to do so shall constitute a sufficient ground for forfeiture of its charter, prohibiting officers and stockholders of such defaulting corporations from doing business in or under the corporate name of such corporation or using signs or advertisements such as those used by such corporations, and providing punishment therefor, exempting certain classes of corporations from the provisions of this act; fixing venue of civil suits to enforce the provisions of this act, requiring

clerks of courts to certify to the Secretary of State the status of such suits; prescribing the duties and powers of the Secretary of State under the provisions of this act; repealing Article 5243i, as amended by Chapter 10 of the General Laws of the Twenty-ninth Legislature, and Chapter 72 thereof, and any and all laws in conflict with the provisions of this act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WILLACY, Chairman.

Committee Room,

Austin, Texas, February 9, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

House bill No. 69, A bill to be entitled "An Act to levy an annual occupation tax on the business of selling or offering for sale any intoxicating liquors by soliciting orders therefor in any quantities whatever, in any county, justice precinct, town, city or other subdivision of a county where the qualified voters thereof by a majority vote determined that the sale of intoxicating liquors shall be prohibited therein; also levying an annual occupation tax for the keeping, maintaining or operating of any cold storage, or any such place where intoxicating or non-intoxicating liquors or beverages are kept on deposit for others under any kind of bailment within the limits of any such local option territory, providing for the issuance of licenses, and fixing penalties for the violation of this act and providing for injunction to prevent its violation, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amend by inserting the words "or taking," after the word "solicit," in Section 1, line 14, and also amend the caption by inserting the words "or taking," after the word "solicit," in line 8.

WILLACY, Chairman.

Committee Room,

Austin, Texas, February 9, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

House bill No. 276, A bill to be entitled

"An Act to amend Subdivision 23, Article 5049, Chapter 1, Title 104 of the Revised Statutes of Texas, regulating the general occupation tax as amended by an Act of the Twenty-fifth Legislature, said amendments being Chapter 18 of the Acts of the Special Session of the Twenty-fifth Legislature, convened at the city of Austin, May 22, 1897, and adjourned June 29, 1897, being shown on page 49 of the General Laws of said Special Session,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WILLACY, Chairman.

Committee Room,

Austin Texas, February 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 50, A bill to be entitled "An Act to provide for the location of and establishment and maintenance of a State sanatorium for the treatment of persons suffering from tuberculosis, and to provide for the care and treatment of indigent consumptives, and making an appropriation therefor,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, February 10, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 37, A bill to be entitled "An Act to amend Sections 1, 12 and 20 of Chapter 128 of the Acts of the Twenty-sixth Legislature, entitled 'An Act providing the mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in said counties, or in any subdivision of the said counties, so that when an election under said law shall be in favor of the stock laws, that the certificate thereto shall be prima facie evidence of a compliance with the law to put same in force'; also to provide for the punishment of any one violating the provisions of said act, and adding thereto Section 20a and Section 20b, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

PETITIONS AND MEMORIALS.

By Senator Mayfield:

To the Hon. E. B. Mayfield, Senate Chamber, Austin, Texas:

We, the undersigned citizens of Bell county, Texas, desire to join our fellow citizens who have already sent in their protest against "outlawing" and taxing out of business the few peddlers who are bringing to us at our homes a few staple or simple patent medicines and toilet articles, and selling to us in a way entirely satisfactory to us; and for many good and substantial reasons we ask that you do not support any such measures, but, on the other hand, to oppose same, as we deem it class legislation, and do not believe it right to tax this occupation out of business to satisfy a lot of druggists or doctors, as it is from these sources that this matter was sprung. Hence, we respectfully ask you to let the matter of so selling under the present law and system stand as it is, and to oppose all such measures as are being offered.

Numerously signed.

By Senator Kellie:

Resolutions adopted by San Augustine Business Club regarding passenger fares:

Whereas, Hon. F. O. Fuller, Representative from this, the Nineteenth District, has recently introduced in the Thirty-first Legislature a bill limiting railway passenger fares to a maximum of 2 cents per mile, and further, has requested an expression from the San Augustine Business Club, giving its members' opinions as to the merits of said bill; and

Whereas, It is the practically unanimous opinion of the members of said club and the citizens generally of this county that such legislation as is suggested in this bill is ill-timed, unnecessary and if passed would actually prove injurious to the best interest of the State of Texas and its people, and knowing as we do that the business and agricultural interest of this district particularly have long suffered from a lack of adequate facilities for transportation, and believing that the railroads of Texas are seriously hampered in the operation of their existing lines and are loath to build further extensions so badly needed in this and other parts of the State, because of adverse legislation that has been enacted; and

Whereas, We can well imagine that conditions might arise and probably

have arisen wherein the note of distress of even a railway corporation may be real and actual when it states that its interests are being jeopardized by drastic legislation; and believing further, that under proper State laws fully 90 per cent of such surplus as the companies might accumulate would be expended in the betterment of old lines and the construction of new ones, to the material advantage of every citizen; and

Whereas, We are forced to believe that there is no actual demand by the people at large for the law referred to, but comparatively few of which would be benefited thereby, to the possible detriment of the many; therefore, be it Resolved by the San Augustine Business Club in reply to said request for our views, That we are strongly and unequivocally of the opinion that such legislation as is embraced in the above-mentioned bill should not be enacted at this time; and be it further

Resolved, That we are not in favor of any legislative enactments which might in their operation discourage or antagonize the investment of capital in Texas in any enterprise pertaining to the legitimate development of any of the resources of our State.

Adopted unanimously by said club at the regular February meeting thereof.

G. B. BANKS, Secretary.

By Senator Terrell of McLennan:

A petition numerously signed by citizens of Waco, Texas, in favor of the establishment of a chair of Homeopathic therapeutics and materia medica in the Medical Branch of the University of Texas at Galveston, and an appropriation commensurate with its requirements.

Senator Cofer offered a petition on same subject as above from Sherman, signed by 1158 citizens of that city.

By Senator Ward:

Hillsboro, Texas, February 5, 1909.

Hon. Pierce B. Ward, Austin, Texas.

Our Dear Senator: We beg to call your attention to the fact that we are very desirous of having the Mayfield-Meachum anti-race track gambling bill, now pending before the Legislature, enacted into a law, and we most respectfully request that you give same careful attention, and if not inconsistent with your judgment and duty to your people, we would be glad to have you support same.

Numerously signed by citizens of Senator Ward's district.

Senator Holsey offered the following petition from citizens of Kaufman, Navarro and Henderson counties:

Senator W. R. Holsey, Austin, Texas:

We, the undersigned citizens of your district, respectfully and earnestly urge you to vote for and give your support to the passage of the Mayfield-Meachum bill, prohibiting pool selling, book making and wagering on horse races.

Numerously signed.

By Senator Perkins:

McKinney, Texas, February 9, 1909.

Senator Tom W. Perkins, Austin, Texas:

We, the undersigned citizens of your district, respectfully and earnestly urge you to vote for and give your support to the passage of the Mayfield-Meachum bill, prohibiting pool selling, book making and wagering on horse races.

Signed—J. F. Pierce and 150 other Collin county citizens.

Quinlan, Texas, February 6, 1909.

Hon. Tom W. Perkins, Austin, Texas.

Sir: We, the undersigned qualified Democratic voters, are in favor of the "anti-race track gambling bill," and urge your support of same.

Signed—R. A. Watson and 75 other citizens of Hunt county, Texas.

Princeton, Texas, February 5, 1909.

Senator Perkins, Austin, Texas:

We, the undersigned citizens of your district, respectfully and earnestly urge you to vote for and give your support to the passage of the Mayfield-Meachum bill, prohibiting pool selling, book making and wagering on horse races.

Signed—J. S. Camp and 42 other citizens.

Senator Hudspeth offered the following petition from El Paso, signed by 1751 citizens:

To the Texas Legislature:

We, the undersigned citizens of the State of Texas, do hereby petition your honorable body for the establishment of a chair teaching Homeopathy in its therapeutics and materia medica in the Medical Branch of the University of Texas at Galveston, and an appropriation commensurate with its requirements.

The Homeopathy school of medicine has no medical college nearer than the Ohio and Missouri rivers, too far away for our young men and women to attend

who depend entirely upon their own resources to defray expenses, and who object to the rigorous winters of the North.

The patrons of Homeopathy in Texas are numbered by the hundreds of thousands, paying a large proportion of the taxes of the State, and we deem it just that they be represented in the faculty of our State University Medical College, thereby helping to complete the medical curriculum which must ever be incomplete without the addition of this branch of medicine.

Senator Cofer offered a petition favoring the establishment of a chair of Homeopathic therapeutics and materia medica in the State University at Galveston.

By Senator Peeler:

Whereas, The Sabbath day is essential to the perpetuity of our civilization, the health and morals of our citizens, and

Whereas, The present laws of Texas are defective and inadequate, therefore, we, the undersigned citizens of the State of Texas hereby petition the ensuing Legislature to change the present law:

First. That the penalty for the violation of this law shall be increased so as to eliminate fairs, shows and races of all kinds, or any kind of an entertainment where an admission fee, or compensation is charged or received.

Second. When any public carrier makes a rate on Sunday, the same rate shall be made on some other day of that week.

Numerously signed.

By Senator Adams:

To the Hon. Wm. Adams of the Senate of Texas:

We, your constituents, respectfully request and urge you to vote for and use your every effort to have passed at this session of the Legislature, a State guarantee law, by which the State of Texas will guarantee the payment of deposits in State banks. We would respectfully call your attention to the fact that this law is demanded in our Democratic convention, and we are of the opinion that the great masses of the people in Texas desire and demand the enactment of this law.

Numerously signed.

By Senator Cofer:

Whereas, The Sabbath day is essential to the perpetuity of our civilization, the health and morals of our citizens, and

Whereas, The present laws of Texas are defective and inadequate, therefore, we, the undersigned citizens of the State of Texas, hereby petition the ensuing Legislature to change the present law:

First. That the penalty for the violation of this law shall be increased so as to eliminate fairs, shows, and races of all kinds, or any kind of an entertainment where an admission fee, or compensation is charged or received.

Second. When any public carrier makes a rate on Sunday, the same rate shall be made on some other day of that week.

Numerously signed.

Senator Cofer also offered a protest against Senate bill No. 269, permitting graduates of the State University (Medical Branch, at Galveston) to practice without license from State Board of Examiners.

TWENTY-THIRD DAY.

Senate Chamber,
Austin, Texas,

Thursday, February 11, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Terrell of McLennan.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

REGULAR ORDER OF BUSINESS.

The Chair called the regular order of business. Aside from petitions and

memorials there was no business, and the Chair declared the morning call concluded.

BILLS AND RESOLUTIONS.

(By unanimous consent.)

By Senator Harper:

Senate bill No. 183, A bill to be entitled "An Act prohibiting nepotism, except with regard to the appointment or confirmation of appointment of notaries public or of one who for five years next preceding the date of such appointment shall have held the position, clerkship or employment or performed the duty to which he may be appointed; making it unlawful for any officer of this State, or for any officer of any district, county, city, precinct, school district or other municipal subdivision of this State, or for any officer or member of any State, district, county, city, school district or other municipal board or judge of any court, created by or under authority of any general or special law of this State, to appoint or to vote for or to confirm the appointment to any office, position, clerkship, employment or duty of any person related within the second degree by affinity or within the third degree by consanguinity to the person so appointing or so voting, or to any other member of any such board or court of which such person so appointing or voting may be a member, when the salary, fees, wages, pay or compensation of such appointee is to be paid directly or indirectly out of or from public funds or fees of office; or to appoint or vote for the appointment or for confirmation of the appointment to any such office, position, clerkship, employment or duty of any person whose services are to be rendered under his direction or control, and to be paid for out of any such public funds or fees of office, and who is related by affinity within the second degree or by consanguinity within the third degree, to any other officer or person included within any of the provisions of this act, for or upon consideration in whole or in part, that such other officer or person has theretofore appointed or voted for the appointment or for the confirmation of the appointment or will thereafter appoint or vote for the appointment, or for the confirmation of the appointment to any such office, position, clerkship, employment or duty of any person related within such prohibited degree of affinity or consanguinity, as the case may be, to such officer or other